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THE CAGED MAN

HUMANE treatment of prisoners finds expression not alone in the limitations placed upon keepers but in the development of those incentives for a better life which play upon the dormant emotions and depleted energies of prisoners and vitalize them into normal being. Cruelty lies equally in the failure to provide these opportunities for reform as in the over-development of prohibitory measures. The surgical instruments of a century ago seem both cruel and crude to those familiar with modern surgery. Many of the instruments of penal administration herein referred to will seem as archaic to those who view them from the standpoint of modern psychology and ask the pertinent question what a prison sentence means today to society as well as to the "caged man".

I.

WHAT IS THE STATUS OF A PRISONER?

The state has a property right in the labor of the prisoner. The Thirteenth Amendment of the Constitution of the United States provides that neither slavery nor involuntary servitude shall exist, yet by inference allows its continuance as punishment for crime, after due process of law. Similar provisions are found in the constitutions of most states.¹ The absolute prohibition of slavery without exception in Maryland, Rhode Island and Vermont abrogates the status of penal servitude but continues, under police power, the penal system for the protection of the community and for the protection of the wayward individual, his status being analogous to that of the insane, defective and otherwise incompetent wards of the state.

The Property of the State.
"Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this state."

California, Const. 1879, Art. 1, Sec. 18.

The Ward of the State.
"Slavery shall not be permitted in this state."
Rhode Island, Const. 1842, Art. 1, Sec. 4.

¹ American and English Encyclopedia of Law, 1898, vol. 22, p. 1302.

<i>The Property of the State in:</i>		<i>The Ward of the State in:</i>	
ALABAMA	Const. 1901, Sec. 32.	MARYLAND	Const. 1867, D. of
ARKANSAS	Const. 1874, Art. 2, Sec. 27.		R., Art. 24.
CALIFORNIA	Const. 1879, Art. 1, Sec. 18.	RHODE ISLAND	Const. 1842, Art. 1, Sec. 4.
COLORADO	Const. 1876, Art. 2, Sec. 26.	VERMONT	Const. 1793, C. 1, Sec. 1.
FLORIDA	Const. 1885, D. of R., Sec. 19.		
GEORGIA	Const. 1877, Art. 1, Par. 17.		
INDIANA	Const. 1851, Art. 1, Sec. 37.		
IOWA	Const. 1857, Art. 1, Sec. 23.		
KANSAS	Const. 1859, B. of R., Sec. 6.		
KENTUCKY	Const. 1890, B. of R., Sec. 25.		
MICHIGAN	Const. 1850, Art. 18, Sec. 11.		
MINNESOTA	Const. 1857, B. of R., Art. 1, Sec. 2.		
MISSISSIPPI	Const. 1890, Art. 3, Sec. 15.		
MISSOURI	Const. 1875, Art. 2, Sec. 31.		
MONTANA	Const. 1889, Art. 3, Sec. 28.		
NEBRASKA	Const. 1875, Art. 1, Sec. 2.		
NEVADA	Const. 1909, Art. 1, Sec. 2.		
NORTH CAROLINA	Const. 1876, Art. 1, Sec. 33.		
NORTH DAKOTA	Const. 1889, Art. 1, Sec. 17.		
OHIO	Const. 1851, Art. 1, Sec. 6.		
OREGON	Const. 1857, Art. 1, Sec. 35.		
TENNESSEE	Const. 1870, Art. 1, Sec. 33.		
UTAH	Const. 1895, Sec. 21.		
WISCONSIN	Const. 1848, Art. 1, Sec. 2.		

II.

WHY IS HE CONFINED?

Three classes of convicts¹ are found in our penal institutions:

- A. Prisoners working off fines and costs.
- B. Prisoners serving sentences, either fixed or indeterminate.
- C. Prisoners awaiting capital punishment.

A. *Prisoners working off fines and costs.*

Persons convicted of minor offences are often sentenced to pay fines, the cost of conviction being assessed along with the fine. Fines may be paid out of the convicted man's personal possessions or by a "next of friend" to whom he becomes a debtor under agreement to refund in kind or labor. Failure to pay the fine results in committment to penal servitude for such a time as it may take to pay off the full amount due at the rate established by statute. Credits toward the satisfaction or payment of fines and costs are allowed as follows:

1. *\$100.00 per year during confinement.*

CONNECTICUT

(State prison.)

Every prisoner held in said prison for non-payment of a fine shall be allowed one hundred dollars a year for his labor, from the time when his imprisonment for non-payment of said fine commenced, if, in the opinion of the warden and directors, he shall have been submissive to the officers of the prison during his confinement and conducted himself as a faithful prisoner.

R. S. 1902, Sec.
2914.

2. *\$3.00 for each day's confinement.*

NEBRASKA

Whenever district court or probate judge shall have determined that a person, confined in jail for any criminal offence, has no estate with which to pay fine and costs, it shall be the duty of said judge to discharge such person from further imprisonment for such fine and costs. Discharge to operate as complete release from such fine and

R. S. 1911, C. 49,
Sec. 2692.

¹ This study covers only convicted prisoners, hence persons awaiting trial or held as witnesses are not included though frequently found especially in local jails.

costs, provided nothing shall authorize any person to be discharged from prison before the expiration of the time for which he or she is sentenced to imprisonment, nor until convict shall have been imprisoned at least one day for every \$3 of the amount adjudged against him.

TEXAS

When a defendant is convicted of a misdemeanor and his punishment is assessed at a pecuniary fine, if he makes oath in writing that he is unable to pay the fine and costs, he may be hired out to manual labor, or be put to work in a manual labor work-house, or on a farm or public work of the county. If there be no such work-house, farm, etc., and the authorities fail to hire him out, he shall be imprisoned in the county jail for a sufficient length of time to discharge the full amount of fine and costs, rating such punishment at three dollars for each day thereof.

R. S. 1911, Crim. Stat., Title 9, C. 4, Art. 878.

WASHINGTON

Any person ordered into custody until the fine and costs adjudged against him are paid, who within five days shall not pay or cause payment of same, shall be imprisoned in the county jail until the fine and costs are paid, or until he has been imprisoned in jail 1 day for every three dollars of such fine.

R. S. 1910, Title 3, C. 19, Sec. 2206.

3. *\$2.00 for each day's confinement.*

CALIFORNIA

A judgment that a defendant pay a fine may also direct that he be imprisoned until the fine is satisfied, but the judgment shall specify the extent of the imprisonment, which shall not exceed 1 day for every \$2.00 of the fine, nor extend in any case beyond the term for which the defendant might be sentenced to imprisonment for the offence for which he has been convicted.

Penal Code, 1909, Title 8, Sec. 1205.

IDAHO

Whenever any person under conviction for any criminal offense is confined in any jail for non-payment of fine, the district Court, upon satisfactory evidence of such inability, may, in lieu thereof, confine such person in the county jail at the rate of \$2.00 per day until the fine imposed is satisfied.

R. S. 1908, Sec. 8545.

MONTANA

When judgment of fine and costs is entered against a defendant and it is ordered that he be committed until the same are paid, if at any time thereafter defendant prove to court that he is unable to pay such fines, costs, or any part thereof, the Court or judge

R. S. 1907, Title 9, C. 1, Sec. 9373.

may order the sheriff to release him upon his having been confined in jail 1 day for every \$2.00 of such fine and costs, or any portion remaining unpaid; but if he do not prove to satisfaction of court that he is unable to pay he shall not be released, unless the sheriff has made the same upon execution out of his property.

NEVADA

Whenever any person, under conviction for any criminal offense, shall be confined in jail for any inability to pay any fine, forfeiture or costs, or to procure sureties, the district court, upon satisfactory evidence of such inability may, in lieu thereof, confine the person in the county jail at the rate of \$2.00 per day until the fine, forfeiture or costs so imposed shall have been satisfied.

R. S. 1912, Sec. 7611.

OREGON

A judgment that a defendant pay a fine must also direct that he be imprisoned in the county jail until the fine be satisfied, specifying the extent of imprisonment, which cannot exceed 1 day for every \$2.00 of fine. In case the entry of judgment shall omit to direct the imprisonment and the extent thereof, the judgment to pay the fine shall operate to authorize and require the imprisonment of the defendant until the fine is satisfied at the rate above mentioned.

R. S. 1910, Title 18, C. 11, Sec 1577.

4. *\$1.00 for each day's confinement.*

INDIANA

In case such defendant do not immediately pay or replevy such judgment and costs the justice shall commit him to jail there to remain one day for each dollar of such fine and costs.

R. S. 1908, Sec. 1954.

NEW MEXICO

Whenever any person shall be committed to prison for non-payment of any fine or costs, such imprisonment shall be reckoned at the rate of \$1.00 per day in reduction of fine.

R. S. 1897, C. 9, Sec. 832.

UTAH

A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine is satisfied, specifying the extent of the imprisonment, which cannot exceed one day for every \$1.00 of the fine.

R. S. 1907, Title 91, C. 37, Sec. 4919.

5. *60 cents for each day's confinement.*

OHIO

When a fine is the whole or part of a sentence, the court may order that the person sentenced remain imprisoned in jail until such fine and costs are paid, or he is legally discharged, provided that the person so imprisoned shall receive credit upon such fine and costs at the rate of 60 cents per day for each day's imprisonment.

Laws 1910, H. B. 146.

6. *33 $\frac{1}{3}$ cents for each day's confinement.*

VERMONT

A person committed to the House of Correction for non-payment of fine may be discharged on paying the balance of the fine, or fine and costs, after deducting 33 $\frac{1}{3}$ cents for each day he has been committed for such default.

R. S. 1906, C. 261, Sec. 6022.

7. *\$2.00 for each day's labor.*

NORTH DAKOTA

For each day's labor performed by any convict under the provisions of this chapter, there shall be credited on any judgment for fine and costs against him the sum of \$2.00.

R. S. 1905, Sec. 10446.

OKLAHOMA

For every day's labor performed by any convict, under the provisions hereof, there shall be credited on any judgment for fine and costs against him the sum of \$2.00.

R. S. 1903, Sec. 5728.

OREGON

Whenever any person shall be convicted of a criminal offense under any of the ordinances of a city or town, and shall be adjudged to pay a fine and costs and shall fail to pay the same, he shall be sentenced to labor one day for every \$2.00 of such fine upon the streets or other public works of said city under such officer as common council may provide; common council may provide such fetters and manacles as may be necessary to secure the person of such criminal during his term of labor.

R. S. 1910, Title 26, C. 4, Sec 3237.

SOUTH DAKOTA

For every day's labor performed by any convict under the provisions hereof, there shall be credited on any judgment for fine and costs against him the sum of \$2.00.

R. S. 1910, Sec. 749.

WISCONSIN

Any person sentenced to the watch-house or place of confinement of the village who is not physically disabled shall be compelled to perform labor upon any public work of said village, under such supervision and control as the village may provide, and for each day's labor performed the person so sentenced shall be credited with the sum of \$2.00, which shall apply on such fine and costs until same are paid, or until such person is released from custody.

Acts 1907, C. 117.

8. *\$1.50 for each day's labor.*

ILLINOIS

Any person convicted of petit larceny or any misdemeanor punishable under the laws of this state, may be compelled by Court of Record to work out fine and costs, in the work-house of the city, town or county, or in the streets and alleys of any town or city

R. S. 1897, Title 26, C. 1, Sec. 5657.

or on the public roads of the county, under the proper person in charge of such work-house at the rate of \$1.50 for each day's labor.

IOWA

For every day's labor performed by any convict under provisions of secs. 5652-4, shall be credited on any judgment for fine and costs against him the sum of \$1.50 and no person shall be entitled to the benefits of the law providing for the liberation of poor convicts, if, in the opinion of the sheriff, the judgment may be satisfied by the labor of the person as herein authorized.

R. S. 1897, Title 26, C. 1, Sec. 5657.

MINNESOTA

For each day's labor the prisoner shall be credited \$1.50 on any judgment for fine and costs, and, when imprisoned in default of payment of a fine or fine and costs, he shall be discharged whenever he has performed sufficient labor to pay the same. The officer in charge of such prisoners shall protect them from insult and annoyance, while at labor or going to and returning therefrom.

R. S. 1905, C. 106, Sec. 5471.

WYOMING

Whenever the defendant is sentenced to prison for the violation of a city ordinance, he shall be put to work for the benefit of the city, under the discretion of the mayor, for the term of his imprisonment, and when committed for the non-payment of a fine or costs he shall be put to work for the benefit of the city, and shall be credited on such fine and costs \$1.50 per day for each day he shall work.

R. S. 1910, C. 121, Sec. 1768.

9. *\$1.00 for each day's labor.*

ARIZONA

Whenever any prisoner shall be sentenced to pay a fine and to be committed until paid, shall be employed at hard labor, he shall be allowed the sum of \$1.00 for each day's labor to be credited on such fine, and when he shall have earned the amount of such fine he shall be discharged.

R. S. 1909, Title 15, Sec. 1201.

COLORADO

Whenever any prisoner sentenced to pay a fine and costs, shall be employed at hard labor, he shall be allowed the sum of \$1.00 for each day's labor and when he shall have earned the amount of such fine and costs he shall be discharged.

R. S. 1908, C. 35, Sec. 2024.

CONNECTICUT

County convicts committed for criminal offense and held for fine and costs are credited \$1.00 for each day's labor. Convicts may not be held more than 4 months.

R. S. 1902, C. 177, Sec. 2942.

KANSAS

Prisoners shall be allowed \$1.00 for each day's work performed by them in good faith or if prisoners prefer the

R. S. 1909, C. 97, Art. 18, Sec. 6942.

	Board of County Commissioners may allow each prisoner a specified sum per cubic yard for breaking stone. When the same, either by the day or the cu. yd. shall amount to the sum of the fine and costs, the same shall be deemed a full satisfaction.	
KENTUCKY	When punishment for a crime is a fine or imprisonment in the county jail or both, the jury may in their discretion, if the defendant is a male, provide in their verdict that the defendant shall work at hard labor until fine and costs are satisfied. The defendant shall not be required to labor more than 8 hours a day, and may at any time pay the costs, or whatever part thereof remains unpaid, after receiving credit of \$1.00 for each day worked in payment thereof.	R. S. 1909, C. 36, Secs. 1377-80.
LOUISIANA	In all criminal prosecutions where a person is convicted in any of the courts of the state of any crime punishable under the law with imprisonment at hard labor, but not necessarily so, the judge before whom such conviction is had may sentence person so convicted to work on the public roads or streets of parish or city in which crime was committed, and which may eventually be chargeable with costs of prosecution, for a term not exceeding term now specified; when a fine in said cases is imposed as part of the penalty, in default of liquidation thereof, the judge may sentence to hard labor at the rate of \$1.00 per day.	Acts of 1878, No. 38, Sec. 1.
MISSOURI	If the punishment be by fine and the fine be not paid, for every dollar of such fine the prisoner shall work one day and shall also work for such period of time as he would otherwise be required to remain in jail in order to be released from the payment of any costs, in such case.	R. S. 1909, Sec. 3733.
RHODE ISLAND	Fines can be worked off at fifty cents a day for first thirty days; and \$1.00 for ensuing days.	Laws 1911, C. 669.
WEST VIRGINIA	Any male prisoner imprisoned for failure to pay fine and costs may be ordered by the county court to work on the county roads, or on the streets or alleys of an incorporated city, under the direction of such officer as court may direct, at the rate of \$1.00 per day until fine and costs are paid.	R. S. 1906, C. 36, Sec. 1168.
WYOMING	In cases of vagrancy or petit larceny and in other cases in which a justice has jurisdiction to hear and determine, when the party charged is found guilty, it shall be lawful for the justice to	R. S. 1910, C. 399, Sec. 6111.

sentence such person to imprisonment at hard labor or to fine him or both; and in default of payment of fine, the sheriff shall set him to work on any public improvements which he may deem proper. The rate of compensation to be allowed by the county for such prisoners shall be \$1.00 a day for services rendered in payment of fines imposed and costs incurred, when not paid in cash.

10. *75 cents for each day's labor.*

ALABAMA

The court may impose hard labor for the county for such period, not to exceed 10 mos., as may be sufficient to pay the costs, at the rate of 75 cents per day, and the court must determine the time required to work out the costs at this rate.

R. S. 1907, Art. 5, Sec. 7635.

ARKANSAS

Each person worked, as provided in the preceding section, shall be credited with the sum of 75 cents on the fine and costs adjudged against him for every full day's labor so performed by him when he is kept and fed by the overseer and shall be credited with the sum of \$1.00 for each day's labor when he boards himself.

R. S. 1904, Sec. 7353.

11. *40 cents for each day's labor.*

TENNESSEE

Each person confined in the work-house for a failure to pay fine and costs, shall be credited at the rate of 40 cents for each day of actual work done and no prisoner shall be discharged upon the act of insolvency, nor before said fine and costs or costs only have been worked out, fully paid or secured, unless by order of the Board of Commissioners.

R. S. 1896, Title 7, Art. 5, Secs. 7417-21.

12. *30 cents for each day's labor.*

FLORIDA

No such convict shall be required to work more than 10 hours in each 24, and every such convict shall be entitled to receive, together with subsistence, a credit at the rate of 30 cents per diem on account of fines and costs adjudged against him.

R. S. 1906, Title 4, C. 2, Sec. 4113.

13. *25 cents for each day's labor.*

VIRGINIA

Any person held to labor, under the provisions of this chapter, for non-payment of any fine imposed upon him, shall be required to work out the full amount thereof, including the legal costs, at the rate of 25 cents per day, for each day so held, Sundays excepted, and shall be entitled to a credit of 25 cents for each day of his confinement, whether he labors or not. No

R. S. 1904, Title 53, C. 191, Sec. 3936.

person shall be held to labor in any chain gang for the non-payment of any fine imposed upon him for a longer period than 6 months.

14. *Added allowance for efficient labor.*

MISSISSIPPI

Any convict working under the direction of the Board of Supervisors, who renders efficient services and complies with all necessary rules and regulations, may have deducted from his fine and the term of his imprisonment one-fourth thereof.

R. S. 1906, C. 22,
Sec. 842.

15. *Journeyman's wage for like labor.*

CONNECTICUT

Prisoners held for costs only allowed the wages of journeymen for like labor. If in judgment of directors convict is unable to pay costs and has conducted himself well during his confinement warden may remit them.

R. S. 1902, C.
176, Sec. 2913.

16. *Amount obtained for prisoner's labor.*

MICHIGAN

Convicts committed in default of payment of fines shall be allowed the amount obtained for their labor, less the cost of their support. When amount of fine is completed they shall be discharged.

R. S. 1897, C. 86,
Sec. 12.

NEW HAMPSHIRE

Convicts committed in default of payment of fines shall be allowed the amount obtained for their labor, less the cost of their support.

R. S. 1901, C.
282, Sec. 15.

NEW JERSEY

When judgment is given in any of the courts of the state for fine or imprisonment, with or without costs, it shall be lawful to place the defendant against whom such judgment shall be rendered at labor in any county jail or penitentiary, until fine and costs are paid by the proceeds of such labor.

R. S. 1910, Page
1874, Sec. 162.

NORTH CAROLINA

The Board of Commissioners of the several counties may hire out persons imprisoned in jails who fail to pay all the costs they are adjudged to pay, provided the amount realized from hiring out such persons shall be credited to them on the fine and bill of costs in all cases of conviction.

Laws of 1908, C.
24, Sec. 4.

B. *Prisoners serving sentences, either fixed or indeterminate.*

The prisoner convicted of crime is sentenced for a fixed or indeterminate period to penal servitude. This period may be determined by statute, by the judge at the time of conviction, limited by the statutory designations as maximum and minimum penalty, or it may be indeterminate in that the maximum is designated but the actual time can be affected by

the conduct of the prisoner judged by a duly constituted board of judgment. Term or fixed sentences are still found for some crimes in every state. There are no indeterminate sentences prescribed by law as yet in Alabama, Arkansas, California, Delaware, District of Columbia, Florida, Georgia, Louisiana, Maine, Maryland, Mississippi, Missouri, Montana, Nevada, North Carolina, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin.

Sentences are Indeterminate in:

ARIZONA	For convicts over 18 years of age, for any crime, except treason and first degree murder, the maximum and minimum sentence to be that prescribed by law for the crime.	Laws 1912, C. 46.
COLORADO	For any person sentenced to prison for other than life term, the minimum sentence not to be less nor the maximum more than prescribed by law for the crime.	R. S. 1908, C. 35, Secs. 2037-8.
CONNECTICUT	For all persons except tramps or those with a life sentence, committed to prison or reformatory. The maximum not greater than specified by law; the minimum not less than one year.	R. S. 1902, Title 7, C. 97, Secs. 1535-7.
IDAHO	For all persons except those convicted of treason or murder of the first degree. Maximum shall not exceed the longest term fixed by law; the minimum shall not exceed the minimum fixed by statute, and no minimum to be less than 6 mos. and where the sentence may be for life or a number of years, the court shall fix maximum.	R. S. 1909, H. B. No. 214.
INDIANA	For any male persons thirty or over, convicted, except of treason, first and second degree murder. Minimum and maximum sentences to be those provided by law.	R. S. 1908, Sec. 2152.
ILLINOIS	For every male person over 21 and every female over 18 convicted of felony, except treason, murder, rape and kidnaping. The maximum shall not exceed maximum provided by law; the minimum not less than one year, making allowance for good time as provided by law.	R. S. 1909, C. 38, Sec. 498.
IOWA	For any person over 16, convicted of felony, except treason or murder. Maximum not more than provided by law; no minimum set forth.	R. S. 1907, Title 26, C. 2, Sec. 5718, a 13.
KANSAS	For all persons except those convicted of murder or treason. Minimum and maximum sentences those prescribed by law, subject to control of trial judge.	R. S. 1909, C. 97, Sec. 6837.

KENTUCKY	For persons convicted of felony; maximum and minimum sentences provided by law.	Laws 1910, C. 4.
MASSACHUSETTS	For any convict sentenced to state prison except for life or as an habitual criminal. Minimum sentence not less than two and one-half years. Maximum not more than prescribed by law. Additional sentence begins at expiration of first minimum.	Laws 1911, C. 451.
MICHIGAN	For all convicts except life. When convict has served 25 years of life sentence less the commutation which would have been allowed if his sentence had been for 25 years, Governor has power to parole him. Minimum sentence not less than 6 months. Maximum not more than provided by law. Judge can recommend proper maximum.	Laws 1905, C. 184. Acts 1911, No. 237.
MINNESOTA	For all convicts except those convicted of treason or murder. Life prisoners not to be paroled until they have served 35 years less diminution for good conduct which would have been allowed if sentence had been 35 years. Maximum shall not exceed maximum provided by law; minimum not stated.	Laws 1911, C. 298.
NEBRASKA	For all convicts over 18 convicted of penitentiary offence, except murder, treason, rape, kidnaping or having served two previous terms. The maximum and minimum sentences to be provided by law.	Laws 1911, C. 184.
NEW HAMPSHIRE	For any convict sentenced to state prison except for life or as an habitual criminal. Maximum and minimum sentences to be those provided by law for his offense.	Laws 1909, C. 120.
NEW JERSEY	For all convicts sent to state prison except first degree murder. Maximum sentence as provided by law; minimum not less than one year, and not more than one-half of maximum. Where death sentence has been commuted minimum must be twenty-five years.	Laws 1911, C. 191.
NEW MEXICO	For all prisoners sent to the penitentiary. Court to fix minimum and maximum sentences.	Laws 1909, C. 32.
NEW YORK	For all first offenders convicted of felonies other than murder of first or second degree. Minimum sentence not less than 1 year or not more than ½ longest period fixed by law for crime. Maximum the longest period fixed by law.	Birdseye's Consolidated Laws, 1909, Art. 196, Sec. 2189.
NORTH DAKOTA	For any person convicted of felony except treason, murder of 1st degree, rape and kidnapping. Maximum and minimum sentences as provided by law.	R. S. 1909, C. 175.

OHIO	Compulsory for all prisoners sent to state reformatory.	R. S. 1910, Sec. 2132.
	Optional for prisoners sent to state penitentiary.	R. S. 1910, Sec. 2160.
	Maximum and minimum sentences are optional with judge but minimum cannot be less than prescribed by law for offense committed, nor maximum greater than prescribed by law.	R. S. 1910, Secs. 2141-4 & Secs. 2167-75.
PENNSYLVANIA	For any person sentenced to the penitentiary. Maximum and minimum sentences to be determined by judge but maximum cannot be more than prescribed by law nor minimum more than one-fourth of maximum.	R. S. 1909, pp. 5329-31, Sec. 6.
SOUTH DAKOTA	For all first offenders over 16, subject to a penitentiary sentence, except for treason or murder, or convicts with abnormal tendencies. Maximum and minimum sentences to be prescribed by law.	Laws 1911, C. 169.
WYOMING	For all convicts sentenced to the penitentiary otherwise than for life. The maximum sentence to be no longer than prescribed by law and the minimum not less than minimum prescribed. Both to be regulated by judge.	R. S. 1910, C. 42, Secs. 530-531.

C. Prisoners awaiting capital punishment

Pending the execution of the death penalty, prisoners so sentenced are confined in a penal institution. Capital punishment has been abolished in Kansas (R. S. 1909, sec. 2496), Maine (R. S. 1903, C. 119, sec. 1), Minnesota (laws, 1911, H. F. No. 2), Michigan (R. S. 1897, sec. 11470), Rhode Island (R. S. 1909, C. 343, secs. 1 and 2) except for life prisoners who commit murder, Wisconsin (R. S. 1889, C. 181, sec. 4338). Provisions determining confinement for prisoners awaiting execution and the manner of their execution are found in the following states:

ALABAMA	R. S. 1907, C. 165, Sec. 6310.
	R. S. 1907, C. 278, Sec. 7639.
ARIZONA	R. S. 1901, Title 8, C. 1, Sec. 174.
ARKANSAS	R. S. 1904, C. 49, Sec. 2441.
CALIFORNIA	Penal Code, 1909, Title 8, C. 2, Sec. 1217.
COLORADO	R. S. 1908, C. 35, Sec. 2028.
CONNECTICUT	R. S. 1902, C. 82, Sec. 1141.
DELAWARE	R. S. 1893, C. 32, Sec. 11.
DISTRICT OF COLUMBIA	R. S. 1911, C. 19, Sec. 801.
FLORIDA	R. S. 1906, Div. 5, Title 2, C. 2, Sec. 3205.
GEORGIA	R. S. 1911, Sec. 1069.
IDAHO	R. S. 1908, P. 2, Title 8, Sec. 8020.
INDIANA	R. S. 1908, Sec. 2196.
ILLINOIS	R. S. 1909, Page 827, Sec. 439.

IOWA	R. S. 1897, Sec. 4728.
KENTUCKY	R. S. 1909, C. 36, Sec. 1149.
LOUISIANA	R. S. 1904, Sec. 975.
MARYLAND	R. S. 1904, Art. 27, Sec. 335.
MASSACHUSETTS	R. S. 1902, C. 207, Sec. 2.
MISSISSIPPI	R. S. 1908, C. 29, Sec. 1512.
MISSOURI	R. S. 1909, Sec. 4450.
MONTANA	R. S. 1907, P. 1, Title 8, C. 1, Sec. 8293.
NEBRASKA	R. S. 1911, P. 1, C. 1, Secs. 2050-2052.
NEVADA	R. S. 1912, Sec. 6386.
NEW HAMPSHIRE	R. S. 1901, C. 255, Sec. 6.
NEW JERSEY	R. S. 1910, Page 1781, Sec. 108.
NEW MEXICO	R. S. 1897, C. 2, Sec. 1066.
NEW YORK	Penal Law, 1909, C. 4, Sec. 1044.
NORTH CAROLINA	R. S. 1908, C. 81, Sec. 3631.
NORTH DAKOTA	R. S. 1905, C. 18, Sec. 8799.
OHIO	R. S. 1910, Part 4, Title 1, C. 3, Sec. 12400.
OKLAHOMA	R. S. 1903, C. 25, Art. 17, Sec. 2174.
OREGON	R. S. 1910, Title 19, C. 2, Sec. 1903.
PENNSYLVANIA	R. S. 1903, Page 3486, Sec. 9.
SOUTH CAROLINA	R. S. 1902, Criminal Code, C. 10, Sec. 136.
SOUTH DAKOTA	R. S. 1910, C. 17, Sec. 253.
TENNESSEE	R. S. 1896, P. 4, C. 2, Sec. 6442.
TEXAS	R. S. 1895, Title 9, C. 4, Sec. 861.
UTAH	R. S. 1907, C. 14, Sec. 4162.
VERMONT	R. S. 1906, Title 12, C. 114, Sec. 2366.
VIRGINIA	R. S. 1904, Title 52, C. 180, Sec. 3663.
WASHINGTON	R. S. 1910, Title 14, C. 5, Sec. 2392.
WEST VIRGINIA	R. S. 1906, C. 152, Sec. 4454.
WYOMING	R. S. 1910, C. 385, Sec. 5789.

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III

HOW MAY HE BE PUNISHED?

Punishment prescribed by the court, should it exceed the statutory provision,¹ or the common acceptance of just penalty,² may be declared void and the servitude terminated.³

Cruel and Unusual Punishments are Prohibited in:

ALABAMA	R. S. 1907, Sec. 6543.
ARIZONA	Const. 1910, Art. 2, Sec. 15.
ARKANSAS	Const. 1874, Art. 2, Sec. 9.
COLORADO	Const. 1876, Art. 2, Sec. 20.
FLORIDA	Const. 1885, D. of R., Sec. 8. R. S. 1906, Art. 6, Sec. 4139.
GEORGIA	Const. 1877, Art. 1, Par. 9.
IDAHO	Const. 1889, Art. 1, Sec. 6.
ILLINOIS	R. S. 1909, C. 108, Sec. 37.
INDIANA	Const. 1851, Art. 1, Sec. 16. R. S. 1908, C. 124, Sec. 9864.
IOWA	Const. 1857, Art. 1, Sec. 17.
KANSAS	Const. 1859, B. of R., Sec. 9. R. S. 1909, C. 108, Sec. 8583.
KENTUCKY	Const. 1890, B. of R., Sec. 17. Rev. 1909, C. 97, Sec. 3797.
LOUISIANA	Const. 1898, Art. 12.
MAINE	Const. 1819, Art. 1, Sec. 9.
MARYLAND	Const. 1867, D. of R., Art. 25.
MASSACHUSETTS	Const. 1780, P. 1, Art. 26.
MICHIGAN	Const. 1850, Art. 6, Sec. 31.
MINNESOTA	Const. 1857, Art. 1, Sec. 5.
MISSISSIPPI	Const. 1890, Art. 3, Sec. 28.
MISSOURI	Const. 1875, Art. 2, Sec. 25.
MONTANA	Const. 1889, Art. 3, Sec. 20.
NEBRASKA	Const. 1875, Art. 1, Sec. 9.
NEVADA	Const. 1910, Art. 1, Sec. 6. R. S. 1912, Art. 8, Sec. 178.
NEW MEXICO	Const. 1910, Art. 2, Sec. 13.
NEW JERSEY	Const. 1897, Art. 1, Sec. 15.
NEW YORK	Const. 1894, Art. 1, Sec. 5.
NORTH CAROLINA	Const. 1876, Art. 1, Sec. 14.
NORTH DAKOTA	Const. 1889, Art. 1, Sec. 6.
OHIO	Const. 1851, Art. 1, Sec. 9.
OKLAHOMA	Const. 1907, Art. 2, Sec. 9.
OREGON	Const. 1857, Art. 1, Sec. 16.
PENNSYLVANIA	Const. 1873, Art. 1, Sec. 13.
RHODE ISLAND	Const. 1842, Art. 1, Sec. 8.
SOUTH CAROLINA	Const. 1895, Art. 1, Sec. 19.
SOUTH DAKOTA	Const. 1889, Art. 6, Sec. 23.
TENNESSEE	Const. 1870, Art. 1, Sec. 16.

¹ Robinson v. Miner, 68 Mich., 549.

² State v. Driver, 78 N. Car., 423. State v. Miller, 75 N. Car., 73.

³ Amer. and English Ency. of Law, 2d edit., vol VIII, pp. 436-440.

TEXAS	Const. 1876, B. of R., Sec. 13.
UTAH	Const. 1896, Art. 1, Sec. 9.
VIRGINIA	Const. 1902, Art. 1, Sec. 9.
WASHINGTON	Const. 1889, Art. 1, Sec. 14.
WEST VIRGINIA	Const. 1872, Art. 3, Sec. 5.
WISCONSIN	Const. 1848, Art. 1, Sec. 6.
	R. S. 1898, Sec. 4923.
WYOMING	Const. 1889, Art. 1, Sec. 14.

The sentence of the court whether expressly provided or not is understood to be a sentence to hard labor.

Punishment Exceeding Hard Labor is Prohibited in:

TENNESSEE	Workhouse prisoners.	R. S. 1896, Title 7, Art. 4, Sec. 7391.
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Punishment other than hard labor is often permitted, defined and prescribed by law. Indeed, hard labor, under reasonable restrictions as required in most prisons, is healthful for mind and body and, in the judgment of prisoners is a veritable boon, compared with enforced idleness. For disciplinary purposes, therefore, other forms of punishment have been instituted by prison authorities and oftentimes are of a character that amounts to torture. Hence, it has become necessary to define by statute the parts of such punishment as may amount to torture and to define definitely those that are permitted and those that are prohibited. The following special forms of punishment are regulated in the several states as follows:

1. Solitary Confinement is permitted in:

DELAWARE	Bread and water diet.	R. S. 1893, C. 133, Sec. 5.
IDAHO	Bread and water diet.	R. S. 1908, Sec. 8502.
INDIANA	Bread and water diet.	R. S. 1908, C. 124, Sec. 10036.
IOWA		R. S. 1907, Title 26, C. 2, Sec. 5675.
KANSAS	Deprivation of light and limitation of food so as to produce distress but not hazard the life of the convict.	R. S. 1909, C. 108, Art. 30, Sec. 8583.
LOUISIANA		R. S. 1904, Sec. 2864.
MAINE	Bread and water diet.	R. S. 1903, C. 141, Sec. 39.
MARYLAND	10 days on bread and water.	R. S. 1904, Art. 27, Sec. 640.
MASSACHUSETTS	Solitary labor; bread and water diet unless physician directs otherwise.	R. S. 1902, C. 225, Secs. 34 & 35.

MICHIGAN		R. S. 1897, C. 75, Sec. 37.
NEW HAMPSHIRE	Life prisoners who assault prison officials or attempt escape may be sentenced to six months. Other prisoners for 30 days.	R. S. 1901, C. 285, Sec. 12.
OKLAHOMA	Not more than 3 days; bread and water diet unless other food is necessary for preserving health of convict.	R. S. 1901, C. 285, Sec. 15.
PENNSYLVANIA	Confinement may be at hard labor.	R. S. 1903, Sec. 5731.
SOUTH CAROLINA		R. S. 1907, Page 2010, Sec. 1, Page 3486, Sec. 11.
TENNESSEE	Bread and water diet; not more than 30 days for one offense.	R. S. 1902, Title 2, C. 33, Sec. 661.
UTAH		R. S. 1896, Secs. 7537-8.
WISCONSIN	Bread and water diet.	R. S. 1907, Sec. 2262.
		R. S. 1898, Title 34, C. 201, Sec. 4917.

2. *Dungeons are permitted in:*

NEW MEXICO	Jail prisoners may be confined 1 week on bread and water.	R. S. 1897, Title 7, C. 9, Sec. 830.
NEW JERSEY	Solitary confinement on bread and water diet with chain on leg or handcuffs or both for six days.	R. S. 1910, Page 4913.
NEW YORK	Short allowance prescribed by physician.	R. S. 1909, C. 47, Art. 6, Sec. 154.
OREGON	Every jail to have one cell or dungeon for confinement of criminals sentenced to solitary confinement.	R. S. 1910, C. 14, Sec. 4525.
SOUTH DAKOTA	On bread and water diet. Not more than three days for one offense.	R. S. 1910, Title 12, Secs. 673 & 752.
VIRGINIA		R. S. 1904, Sec. 4143.

3. *Blood Hounds are permitted in:*

SOUTH CAROLINA	To be kept for the purpose of tracking fugitive convicts.	R. S. 1902, Title 2, C. 32, Sec. 659.
VIRGINIA	To be maintained at the expense of the county.	Acts of 1910, C. 213.

4. *Shackles and Chains:*

(A) Permitted in:		(B) Prohibited in:	
ALABAMA	Only with consent of inspectors.	LOUISIANA	R. S. 1904, Page 1315, Sec. 2.
CONNECTICUT	R. S. 1907, Sec. 6545. R. S. 1902, Sec. 2900.		

(A) Permitted in:		(B) Prohibited in:	
COLORADO	Convicts at work on streets, quarries, or in mines.	R. S. 1908, Sec. 2023.	NEW JERSEY Shackled convicts may not be marched through the streets of any community, nor employed under guard upon public improvements where free labor is employed.
FLORIDA	Municipal convicts who have escaped and been recaptured.	R. S. 1906, Art. 2, Sec. 4114.	Acts of 1911, C. 372.
GEORGIA	Chain gang permitted.	R. S. 1911, Sec. 697.	
IDAHO	Ball and chain attached to one leg.	R. S. 1908, Sec. 8502.	
KANSAS	Ball and chain so used as not to torture limbs.	R. S. 1909, C. 108, Art. 30, Sec. 8583.	
MASSACHUSETTS	Log and chain for county prisoners.	R. S. 1902, C. 225, Sec. 37.	
NEW JERSEY	Chain on leg or handcuffs, or both, permitted on prisoners in solitary confinement.	R. S. 1910, Page 4913.	
OKLAHOMA		R. S. 1903, Sec. 5731.	
PENNSYLVANIA	Keepers of county jails may put iron yokes round prisoner's neck, chains on leg, or otherwise restrain in irons.	R. S. 1907, Page 2011, Sec. 1.	
SOUTH CAROLINA	Chain gangs permitted, for convicts with sentence under five years.	R. S. 1902, Sec. 772-3.	
SOUTH DAKOTA	Ball and chain for county convicts.	R. S. 1910, Title 12, Sec. 745.	
WASHINGTON	Ball and chain for county convicts.	R. S. 1910, Sec. 8493.	
WEST VIRGINIA	Ball and chain for county convicts.	R. S. 1906, C. 36, Sec. 1168.	

5. *Reduction of Food.*

(A) Permitted in:		(B) Prohibited in:	
TENNESSEE	Jail prisoners refusing to work to have only one meal a day until they do good work.	FLORIDA	Labor without food.
	Laws 1899, C. 358.		R. S. 1906, Art. 6, Sec. 4139.
VIRGINIA	With the consent of the Governor misdemeanor not amounting to felony may be punished with lower and coarser diet.	MONTANA	Rations may not be reduced without reducing the amount of labor required.
	R. S. 1904, Sec. 4143.		R. S. 1907, Sec. 9736.
		NEVADA	Rations may not be reduced unless hours of labor are reduced.
			R. S. 1912, Sec. 7579.

6. *The Gag, Iron Mask, etc.*

(A) Permitted in:		(B) Prohibited in:	
VIRGINIA		CONNECTICUT	Fine of \$50.00 for officer using gag.
	R. S. 1904, Sec. 4143.		R. S. 1902, Sec. 2924.
		MASSACHUSETTS	Fine of \$50.00 for officer using gag.
			R. S. 1902, C. 225, Sec. 33.

7. *Corporal Punishment.*

(A) Permitted in:		(B) Prohibited in:	
ALABAMA	Administered only by party authorized by President of Board of Inspectors.	GEORGIA	Const. 1877, Art. 1, Par. 7.
	R. S. 1907, Sec. 6543.		R. S. 1909, C. 108, Sec. 37.
CONNECTICUT	Moderate whipping, not exceeding 10 stripes for one offense.	ILLINOIS	R. S. 1909, C. 108, Sec. 37.
	R. S. 1902, Sec. 2900.		R. S. 1909, C. 108, Art. 30, Sec. 8583.
DELAWARE	In extreme cases overseer with consent of one commissioner may inflict moderate whipping.	KANSAS	R. S. 1909, C. 108, Art. 30, Sec. 8583.
	R. S. 1893, C. 54, Sec. 10.		R. S. 1903, C. 141, Sec. 10.
	Whipping may only be inflicted by agents of the board.	MAINE	R. S. 1903, C. 141, Sec. 10.
	Laws of 1905, C. 125.	MICHIGAN	Whipping with lash on bare body.
GEORGIA	Whipping Boss to be appointed by County or municipal authorities, which fix his compensation and prescribe his duties.		R. S. 1897, C. 75, Sec. 40.
	R. S. 1911, Title 7, Sec. 858.	MONTANA	R. S. 1907, Sec. 9736.
		NEVADA	R. S. 1912, Sec. 7590.

(A) Permitted in:		(B) Prohibited in:	
INDIANA	Only by order of Warden in presence of prison physician and moral instructors of prison. Not until 12 hours after offense and only between the hours of 8 and 10 a. m.	R. S. 1908, C. 124, Sec. 9867.	NEW MEXICO R. S. 1897, Sec. 1056.
KENTUCKY	In presence of Warden. Not until 12 hours after offense.	R. S. 1909, C. 97, Sec. 3797.	NEW JERSEY R. S. 1910, Page 4913, Art. 7.
LOUISIANA	Board of Control responsible that punishment is not harsh or severe.	Acts of 1900, No. 70, Sec. 6.	NEW YORK Blows. R. S. 1909, C. 47, Art. 6, Sec. 153.
MARYLAND	13 lashes maximum; warden may authorize under officers to inflict one to five lashes; to be resorted to as little as possible.	R. S. 1904, Art. 27, Sec. 640.	UTAH Whipping with a lash. R. S. 1907, Sec. 2266.
MICHIGAN	Only in presence of prison physician.	R. S. 1897, C. 75, Sec. 40.	WISCONSIN R. S. 1898, Title 34, C. 201, Sec. 4923.
MISSISSIPPI	Superintendent allows farm sergeants the privilege of inflicting corporal punishment; farm sergeants forbidden the use of intoxicants.	R. S. 1906, C. 107, Sec. 3602.	
RHODE ISLAND	Only under direction of at least two members of board.	Sec. 3617. R. S. 1909, C. 360, Sec. 23.	
TEXAS	Whipping not exceeding 20 lashes on the bare rump and thigh to prisoners of the third class; strap to be of leather, not over $2\frac{1}{2}$ inches wide and 24 inches long, attached to a wooden handle;	R. S. 1911, Title 19, Page 1637.	

(A) Permitted in:

whipping must be authorized by 2 members of board of commissioners; physician must be present; skin of convict must not be broken.

UTAH

Only in presence of physician.

R. S.
1907,
Title 57.
Sec.
2266.

(B) Prohibited in:

8. *Showering with Cold Water is prohibited in:*

MICHIGAN

R. S. 1897, C.
75, Sec. 40.

MONTANA

R. S. 1907, Sec.
9736.

NEW YORK

R. S. 1909, C. 47,
Art. 6, Sec. 153.

UTAH

R. S. 1907, Sec.
2266.

9. *Stocks are prohibited in:*

DELAWARE

Laws of 1905, C.
213.

10. *Crucifix, Yoke and Buck are prohibited in:*

NEW YORK

R. S. 1909, C. 47,
Art. 9, Sec. 153.

11. *Punishment Injurious to Mind or Body is prohibited in:*

FLORIDA

R. S. 1906, Art.
6, Sec. 4139.

KANSAS

Binding the limbs or any member thereof or keeping prisoner in painful posture.

R. S. 1909, C.
108, Art. 30,
Sec. 8583.

12. *Greater or More Severe Punishment than Prescribed by Board is prohibited in:*

ARKANSAS

Officer inflicting such punishment guilty of felony and liable to imprisonment from one to five years. If death ensues he and his abettors guilty of murder or manslaughter.

R. S. 1904, Sec.
5923.

IV

HOW CAN HE BE WORKED?

The prisoner is the property of the state or a subdivision of the state while he is in penal servitude. This property right the state or its subdivision may lease or retain for its own use, the manner being set forth in state constitutions and acts of legislatures.¹

1. *He May be Leased to Individuals for Work Outside the Institution :*

(A) Permitted in:			(B) Prohibited in:		
ALABAMA	State convicts.	R. S. 1907, C. 191, Sec. 6484.	ALABAMA	Leasing to relatives.	R. S. 1907, C. 191, Sec. 6528.
	County convicts.	R. S. 1907, C. 191, Sec. 6580-1.	IOWA	For road work.	R. S. 1897, Title 4, C. 6, Sec. 5654.
	Not more than 20 state or county convicts to be hired to one person at the same time. Leasing to relatives prohibited.	R. S. 1907, C. 191, Sec. 6528.	KANSAS	Employment under contract outside prison prohibited.	R. S. 1909, Sec. 8595.
ARKANSAS	County convicts.	R. S. 1904, Sec. 1101.	TENNESSEE	A misdemeanor to hire out a female convict, either as cook, washervoman or for any other purpose.	R. S. 1897, C. 125, Sec. 28.
FLORIDA	No act leading to leasing permitted until July, 1913.	R. S. 1907, Sec. 4146. Acts of 1911, Com. Res. 12.	UTAH	The labor of convicts outside the prison grounds, except on public works under the direct control of the state.	Const. 1895, Art. 16, Sec. 3.
LOUISIANA	County convicts leased for road work. No convict whose sentence is for more than 2 years to be leased and none to be leased out of county where convicted.	Laws of 1894, No. 29. R. S. 1904, Page 1313, Sec. 2.			

¹ Whitin, E. Stagg, "Penal Servitude," Introduction.

(A) Permitted in:		(B) Prohibited in:	
NORTH CAROLINA	County prisoners.	R. S. 1908, C. 24, Sec. 1352.	
SOUTH CAROLINA	County convicts to be leased for road work.	R. S. 1902, C. 20, Sec. 777.	
TENNESSEE	The more able-bodied short-term convicts, not otherwise employed or that cannot be employed within the walls or on the farm, may be employed under contract in road-building, farming, etc., where competing the least with free labor. Any contract of more than ninety days to be approved by Governor, Secretary of State and Attorney General.	Laws of 1897, C. 125, Sec. 31.	

2. Leased to Individuals for Work Inside the Institution.

(A) Permitted in:		(B) Prohibited in:	
COLORADO		CALIFORNIA	Laws of 1911, P. I. C. 56.
	R. S. 1908, C. 108, Sec. 4851.	GEORGIA	No contract whereby contractor is interested in amount of work done by prisoners.
CONNECTICUT	No contract for more than 4 years.		R. S. 1911, Vol. II, Sec. 1212.
IDAHO		INDIANA	At Reformatory.
	Laws of 1911, C. 275.		Laws of 1911, C. 212.
INDIANA	Labor of 400 convicts to be leased, and if population exceeds 800, fifty per cent of number above 800 to be leased also; number of convicts in one in-	ILLINOIS	R. S. 1909, C. 108, Sec. 79.
	R. S. 1908, C. 124, Secs. 9845-9847.	KANSAS	Reformatory prisoners.
			R. S. 1909, C. 108, Art. 131, Sec. 748.

(A) Permitted in:		(B) Prohibited in:	
	dustry not to exceed 100; no contracts to run beyond Oct. 1, 1910.	MICHIGAN	No new contracts after Dec. 11, 1911.
IOWA	Warden with consent of executive council to make contracts. Contracts to run 10 years.	MINNESOTA	After expiration of existing contracts.
KANSAS	Contracts not to exceed 6 years and to go to the highest bidder; price not less than 45 cents per day per man.	MISSISSIPPI	At Reformatories.
KENTUCKY	Contract to run 4 years.	MISSOURI	State convicts.
MAINE	Warden to make contracts; not more than 20 per cent of male convicts to be employed at one time in one industry and, so far as practicable, convicts to manufacture goods not manufactured elsewhere in the state.	MONTANA	County convicts.
MARYLAND	Directors to make contracts.	NEW MEXICO	After expiration of contracts existing in 1911.
MASSACHUSETTS	Copies of all contracts at all times to be public documents.	NEW JERSEY	
MINNESOTA	Under name of "piece-price."	NEW YORK	
NEBRASKA	As rapidly as it can be done, state to provide for employment of convicts on its own account; contracts not to extend over 3 years.	NORTH DAKOTA	
		LOUISIANA	Leasing for other than road work prohibited.
		OHIO	
		OKLAHOMA	

(A) Permitted in:			(B) Prohibited in:		
NEVADA	State convicts.	R. S. 1912, Sec. 7561.	OREGON	For manufac- ture of overalls, shirts, under- wear, boots or shoes, or any clothing, head or foot gear of any description.	R. S. 1910, Sec. 4519.
	County con- victs.	R. S. 1912, Sec. 7609.			
NEW HAMP- SHIRE	Governor with advice of council makes contracts.	R. S. 1901, C. 285, Sec. 5.	PENNSYL- VANIA	After expira- tion of existing contracts, con- victs to be em- ployed on behalf of the state.	R. S. 1895, page 3487, Sec. 18.
NORTH CAROLINA	State prison- ers.	R. S. 1908, C. 116, Sec. 5391.	UTAH		Sec. 697. R. S. 1910, Sec. 2257. Const. 1895, Art. 16, Sec. 3.
OREGON	Contracts not to exceed 10 years; price not less than 35 cents per day per man.	R. S. 1910, Sec. 4518.			Const. 1895, Art. 16, Sec. 3.
SOUTH DAKOTA	Contracts not to exceed 5 years.	R. S. 1910, Title 12, Sec. 694.	WASHINGTON	After Jan. 1, 1890.	Const. 1889, Art. 2, Sec. 29.
RHODE ISLAND		R. S. 1909, C. 360, Sec. 12.	WYOMING		Laws of 1911, C. 61.
TENNESSEE	Not more than 199 men under any contract un- til July 1, 1915.	Laws of 1909, H. B. 789.			
	County con- victs.	R. S. 1896, Title 7, Art. 5, Sec. 7428.			
VERMONT	Contracts not to exceed 5 years.	R. S. 1906, Title 33, C. 260. Sec. 5995.			
VIRGINIA	Convicts who, because of health, character or disposition, are deemed un- safe for road work, may be hired out to work at Penitentiary, provided number of convicts so hired, exclusive of women, does not exceed 500;	Laws of 1912, C. 59.			

(A) Permitted in:

and provided further that the present contract shall not be renewed; nor shall any contract be made if convicts can be profitably worked without a contract. No contract to exceed 5 years. Contracts to be made with the consent of the Board of Directors, Governor and Secretary of State Board of Charities, or a majority of them, of which the Board of Directors shall be one. The tasks provided under all contracts to be fixed by the Superintendent.

WISCONSIN	Contracts not to exceed five years.	R. S. 1889, Sec. 4938.
WEST VIRGINIA		R. S. 1906, Secs. 4659-4677.

(B) Prohibited in:

3. *The State may work him in State Industries for State consumption:*

CALIFORNIA		Laws of 1911, P. 1, C. 56.
IDAHO	Preparing grounds, and manufacturing material for state sanitarium.	Laws of 1911, C. 41.
INDIANA	Reformatory.	Acts of 1911, C. 212.
KANSAS	Coal mined by convict labor.	R. S. 1909, C. 108, Art. 30, Sec. 8596-8600.
MASSACHUSETTS	Extension of market to all public institutions, state and county.	Laws of 1910, C. 414. Laws of 1912, C. 565.
MISSOURI	Beginning April 1, 1912, at least 300 state convicts are to be added each year to number employed under state use till all are so employed.	Laws of 1911, C. 414.
NEW JERSEY		Laws of 1911, S. B. 150.

NEW YORK

Const. 1894, Art.
3, Sec. 29, Laws
of 1909, C. 47,
Sec. 175.

"The legislature shall, by law, provide for the occupation and employment of prisoners sentenced to the several state prisons, penitentiaries, jails and reformatories in the state; and on and after the first day of January, in the year one thousand eight hundred and ninety-seven, no person in any such prison, penitentiary, jail or reformatory, shall be required or allowed to work, while under sentence thereto, at any trade, industry or occupation, wherein or whereby his work, or the product or profit of his work, shall be farmed out, contracted, given or sold to any person, firm, association or corporation. This section shall not be construed to prevent the legislature from providing that convicts may work for, and that the products of their labor may be disposed of to the state or any political division thereof, or for or to any public institution owned or managed and controlled by the state, or any political division thereof."—N. Y. State Constitution, 1894, Art. 3, Sec. 29.

NORTH DAKOTA	Factory for supplying equipment for schools and public institutions to be established from profits of brickyard. County convicts.	Laws of 1911, C. 205. R. S. 1905, Sec. 10442.
OHIO		Laws of 1911, H. B. 946.
PENNSYLVANIA	After expiration of existing contracts convicts may manufacture for state institutions.	R. S. 1895, pg. 3487, Sec. 18.
UTAH	The Board of Corrections is authorized to employ such number of convicts as it may deem proper in the manufacture of clothing and equipage for the national guard.	R. S. 1907, Title 48, Sec. 1477.
VIRGINIA	Convicts deemed unsafe for road work may be employed by the Penitentiary Board in work for the state.	Laws of 1912, C. 59.
WEST VIRGINIA	Convicts not working on contract or hired out may manufacture articles for the state.	R. S. 1903, C. 163, Sec. 39.
WYOMING		Laws of 1911, C. 61.

4. *The State may work him on farms for State consumption:*

NEW JERSEY	To be given preference in development of state use industries.	Laws of 1911, S. B. 150.
OHIO		Laws of 1911, H. B. 146.

5. *The State may work him on Public Works.*

(A) Permitted in:			(B) Prohibited in:		
ALABAMA	County convicts; to be worked in squads with other persons liable to road duty.	R. S. 1907, C. 191, Secs. 6580 and 6581.	ALABAMA	For women convicts.	R. S. 1907, C. 191, Sec. 6582.
			KENTUCKY	State convicts.	Const. 1891, Sec. 253.
ARKANSAS	County convicts.	R. S. 1904, C. 37, Sec. 1066.	MISSISSIPPI	For women convicts.	R. S. 1906, C. 22, Sec. 874.

(A) Permitted in:			(B) Prohibited in:		
ARIZONA	So that labor does not interfere with free labor.	R. S. 1901, Title 15, Sec. 1197. Penal Code, 1909, Sec. 1613.	WISCONSIN	Stone crushing prohibited for women convicts.	Acts of 1909, C. 333.
CALIFORNIA	County convicts.	Penal Code, 1909, Sec. 1613.			
COLORADO	State convicts.	Laws of 1905, C. 86.			
	County convicts.	Laws of 1911, C. 130.			
CONNECTICUT	Guards to accompany prisoners laboring outside prison walls.	R. S. 1902, Sec. 2901.			
DELAWARE		R. S. 1893, Page 976, Sec. 6.			
FLORIDA	County prisoners.	Laws of 1907, Sec. 110.			
GEORGIA		R. S. 1911, Sec. 1207.			
IDAHO	State convicts in building walls, ditches, etc., on prison grounds.	Laws of 1911, C. 216.			
	County prisoners not physically disabled.	R. S. 1901, Sec. 8541-8542.			
ILLINOIS	In preparing road material, fertilizer and deepening channels of rivers.	R. S. 1909, C. 108, Sec. 27.			
INDIANA	County convicts in county wherein convicted.	R. S. 1908, Vol. 1, C. 4, Sec. 2189.			
IOWA	County convicts.	R. S. 1897, Title 26, C. 1, Sec. 5653.			
	Able bodied male convicts; not to be leased when so employed; breaking of stone for convicts not otherwise employed.	R. S. 1897, Title 26, C. 2, Sec. 5707.			

	(A) Permitted in:	(B) Prohibited in:
KANSAS	<p>Convicts not employed under contract or in coal mining.</p> <p>County convicts.</p>	<p>R. S. 1909, C. 108, Art. 30, Sec. 8604.</p> <p>Sec. 6942. R. S. 1903, C. 110, Art. 1, Sec. 4322.</p>
KENTUCKY	County convicts.	Acts of 1900, No. 70, Sec. 14.
LOUISIANA	Board to contract for building of public roads, levees, and to bid in the same way as a private concern.	
MAINE	Upon written application from county or municipal authorities, Board of Inspectors may direct that jail prisoners be worked on county roads.	Laws of 1905, C. 126.
MARYLAND	<p>Sheriffs of certain counties permitted to work convicts over 16 years of age on public roads.</p> <p>Prisoners in the county jail of Garrett county whose term of commitment does not exceed one year, may be sentenced to hard labor on the roads of that county, under the direction of the town or county commissioners, but their hours of labor may not exceed ten a day.</p> <p>Convicts of Frederick county may be employed by sheriff on the public roads of the county.</p>	<p>Laws of 1906, C. 36.</p> <p>Laws of 1912, C. 597.</p> <p>Laws of 1912, C. 386.</p>

	(A) Permitted in:	(B) Prohibited in
MASSACHUSETTS	County convicts may prepare road material using only hand or foot power.	R. S. 1902, C. 225, Sec. 59.
	Employment in caring for public lands and buildings.	R. S. 1908, Page 1469, Sec. 1.
MICHIGAN	All able-bodied state prisoners may be placed on the county roads; the award of labor to the highest bidder; expense of guarding "if guards are necessary" is borne by prison authorities. Transportation, housing, food, and tools by the county road commissioners; stone crushing and light work is allowed but nothing requiring skilled labor.	Acts of 1911, No. 181.
	County convicts.	Acts of 1910, No. 10.
MINNESOTA	County convicts.	R. S. 1905, C. 106, Sec. 5468.
MISSISSIPPI	So that they remain under state control.	Const. 1890, Art. 10, Sec. 224.
	No guarding by trustees.	R. S. 1906, C. 107, Sec. 3603.
	Convicts over eighteen years of age and under fifty sentenced to the farms of four counties may be required to work fifteen	C. 22, Sec. 870.

(A) Permitted in:

days on the public roads of the counties where they are held as prisoners. Work to be performed under supervision of Supt. of pen. County supervisors to furnish suitable quarters for the men.

MISSOURI 300 state convicts may be employed on public works.

County convicts. Laws of 1911, S. B., 23.

MONTANA State convicts. R. S. 3732-33.

County convicts. R. S. 1907, P. 3, Title 1, Sec. 9729.

NEBRASKA County convicts. R. S. 1907, P. 3, Title 2, Sec. 9775.

NEVADA Male convicts in state prison may labor on roads if they desire and if warden and Board are willing. Laws of 1911, C. 71.

NEW JERSEY County convicts leased for public works. Laws of 1912, J. R. No. 5.

Convict Labor Commission to formulate plans for the use of all convicts physically able on public roads, in public parks, forestry and

(B) Prohibited in:

(A) Permitted in:

other ways for
public benefit.

County-board Laws of
of Chosen Free- 1912,
holders to make C. 223.

application, stat-
ing number of
prisoners desired.

Prison Labor
Commission, in

connection with
governing body

of institution to
determine num-

ber to be as-
signed, cost of

transportation,
maintenance and

compensation
and may enter

into agreement.
Any moneys law-

fully available
for roads may

be spent in hous-
ing and feeding

such convicts.

NEW MEXICO Appropriation Laws of
of \$5000.00 for 1903,
guards and mater- C. 56.
ials for road
works.

Prisoners to be Laws of
so worked when- 1909,
ever possible. C. 42.

County pris- Laws of
oners. 1909,
C. 89.

No convict to R. S.
go out to labor 1897,
unguarded, un- Sec.
less he be a 3528.

NEW YORK Appropriation Laws of
of \$10,000 for 1912,
construction of C. 530.
highways by con-
vict labor in vicin-
ity of Clinton and
Great Meadow
prisons.

Not to exceed Laws of
300 convicts on 1909,
highways. C. 47,

Sec. 179.

Convict labor Laws of
may be employed 1912,
by the conserva- C. 444.

tion commission
in propagating

(B) Prohibited in:

(A) Permitted in :		(B) Prohibited in :
	trees and in field planting.	
NORTH CAROLINA	Convicts hired to counties or municipalities.	R. S. 1908, Sec. 5411.
	County convicts.	R. S. 1908, Sec. 1355.
NORTH DAKOTA	All convicts not otherwise employed.	Laws of 1909, C. 133.
OHIO	Stone crushing.	Laws of 1911, S. B. 238.
OKLAHOMA	State prisoners.	Laws of 1909, C. 32, Sec. 50.
	County prisoners.	Laws of 1909, C. 32, Sec. 40.
OREGON	County convicts.	R. S. 1910, Sec. 6432-34.
	Expense of extra guards for road work to be borne by state board of agriculture.	R. S. 1910, Sec. 4521.
PENNSYLVANIA	10 per cent. of the inmates of any workhouse.	R. S. 1909, p. 5622, Sec. 1.
SOUTH CAROLINA	Convicts who are able-bodied are placed on chain-gang unless otherwise provided by special order of the judge.	Const. 1895, Art. 12, Sec. 6.
	County convicts.	Laws of 1911, No. 110.
		R. S. 1902, Title 3, C. 32, Sec. 657.
SOUTH DAKOTA	County convicts. If Sheriff can work convicts more profitably outside jail.	R. S. 1907, Title 12, Sec. 745.

(A) Permitted in:		
TENNESSEE	Counties to construct and maintain portable, movable or stationary work-houses for working prisoners upon the public roads.	Laws of 1907, S. B. 239.
TEXAS	Legislatures to make provisions for using convict labor on public roads.	Const. 1876, Art. 16, Sec. 24.
	County convicts.	R. S. 1911, Title 104, C. 3, Sec. 6238.
UTAH	County Commissioners to make regulations for state prisoners to work on roads laid out by road commission.	Laws of 1911, C. 76.
	County prisoners.	Laws of 1909, C. 89, Sec. 15.
VIRGINIA	All persons convicted of crime and sentenced to hard labor on the public roads, prior to May 1st, 1913, and after that date all persons sentenced to confinement in the Penitentiary and all persons confined in our public jails shall, when delivered to the Superintendent of the Penitentiary, constitute the convict road force.	Laws of 1912, C. 58.
	Prisoner convicted of felony prior to May 1st, 1913, may be sentenced to work on public roads. After May 1st, 1913,	Laws of 1912, C. 59.

(B) Prohibited in:

(A) Permitted in:

all male prisoners, except such as Superintendent deems unsafe, because of condition of health, character or disposition, shall be subject to work on public roads.

VERMONT

State prisoners—Supt. may employ as many as 10 state convicts at one time outside prison walls.

R. S.
1906,
Title 33,
C. 260,
Sec.
5996-7.

County convicts.

R. S.
1906,
Title 33,
C. 262,
Sec.
6105.

WASHINGTON County convicts.

State convicts.

R. S.
1910,
Sec.
3895.
R. S.
1910,
Title 68,
C. 4,
Sec.
8575.

WYOMING

Any convict may work on public highways or streets.

R. S.
1910,
C. 418,
Sec.
6401.

(B) Prohibited in:

6. *The State may work him on State Farms for Community Consumption:*

ARKANSAS

Board of Commissioners to purchase or lease and equip a farm or farms to pay for the same out of the labor or products of the labor of the convicts, or they may select any lands of the state and clear and improve and establish a farm on the same of sufficient area to employ all convicts able to work.

R. S. 1904, C.
123, Sec. 5855.

FLORIDA

Female, aged, diseased, crippled, deformed, or otherwise unable to perform manual labor to be withheld from lease and employed on farm.

Laws of 1909,
No. 72.

GEORGIA

Reformatory prisoners.

R. S. 1911, Sec.
1243.

Convicts not engaged in work for municipalities or counties, or convicts considered dangerous and not safe on public works.

R. S. 1911, Sec.
1214.

	Females, aged, diseased and infirm, and boys under fifteen.	R. S. 1911, Sec. 1205.
LOUISIANA	Board of Control with approval of Governor to purchase or lease a tract of land to be cultivated by convict labor.	R. S. 1904, Page 1307, Sec. 10.
MICHIGAN	Warden has power to employ convicts on farm.	R. S. 1897, Sec. 2110.
MISSISSIPPI	Legislature to purchase farms and have convicts work thereon under state supervision.	Const. 1890, Art. 10, Sec. 225.
NORTH CAROLINA	Purchase of state farms authorized.	R. S. 1908, C. 107, Sec. 5063.
NORTH DAKOTA		R. S. 1905, Sec. 10368.
OREGON	State Board of Agriculture authorized to make requisition for use of convict labor on state fair grounds.	R. S. 1910, Sec. 4521.
PENNSYLVANIA	The Board of Inspectors of the Western Penitentiary is empowered to secure one thousand five hundred acres of forest land and take the necessary steps toward the erection of a suitable institution. The able-bodied male convicts are to assist in the improvement of the tract and construction of the building.	R. S. 1911, No. 37.
SOUTH DAKOTA	Farming and stone quarrying outside prison walls authorized.	R. S. 1910, Title 12, Sec. 683.
TENNESSEE	One member of Board to superintend and manage all farming operations.	Laws of 1897, C. 125, Sec. 11.
TEXAS	For county convicts.	R. S. 1911, Vol. 5, Page 1110.
UTAH		R. S. 1910, Title 74, Secs. 2254, 2259.
VIRGINIA	Convicts deemed unsafe for road work may be employed by the Penitentiary Board on the state farm.	Laws of 1912, C. 59.
WISCONSIN	Warden may employ convicts outside walls in stone quarrying or on farm.	R. S. 1889, C. 201, Sec. 4927.
7. <i>The State may work him in State Factories for Community Consumption:</i>		
ARKANSAS		R. S. 1904, Sec. 5856.
CALIFORNIA	Jute bags and crushing of stone.	Laws of 1911, P. 1, C. 56.
DELAWARE	Stone crushing.	R. S. 1893, Page 428, Sec. 14.
ILLINOIS	Industries to be assigned to different institutions due regard being paid to location of prison, market, and machinery already installed and number of convicts.	R. S. 1909, C. 108, Secs. 87-90.
INDIANA	Surplus articles from Reformatory.	R. S. 1908, Sec. 9921.
MICHIGAN	Binder twine, Manufacture of chairs, Detroit House of Correction.	Acts of 1907, No. 211.
MINNESOTA		R. S. 1905, Sec. 5448.
MISSOURI	Binder twine.	Laws of 1911, S. B. 23.

MONTANA	Binder twine; jute bags.	Laws of 1909, H. J. R. 6.
NEW MEXICO		R. S. 1897, Sec. 3548.
NORTH DAKOTA	Binder twine.	Laws of 1909, C. 228.
	Brick making, manufacture of farm implements authorized.	Laws of 1911, C. 204.
TENNESSEE	Mining, one member of Board to superintend all mining operations.	Laws of 1897, C. 125, Sec. 12.
VIRGINIA	Convict Lime Board consisting of the Governor, Superintendent of the Penitentiary and Commissioner of Agriculture created to provide for working long-term or desperate convicts in the manufacture of ground lime stone or oyster shells. Board may acquire by gift, purchase or lease suitable lime-stone quarries and suitable deposits of oyster shells convenient to transportation by rail or water. Board to see that competent and reliable men are placed in charge of the machinery. Whenever possible convicts to be used for all the work of the plants. No one purchaser to secure more than one car load during any one year, if there are other applications therefore. Product not to be sold to purchaser except for his own use.	Laws of 1912, C. 295.
WASHINGTON	As many convicts as possible to be employed in the manufacture of jute.	R. S. 1910, Sec. 8555.
WISCONSIN	Binder twine.	Laws of 1911, C. 377.

8. *The State may work him Under Specific Limitations:*

The unfair competition of prison goods with the products of free labor before the introduction of state production for state consumption resulted in the introduction of methods which should in part lessen the injurious competition.

Competition with Free Labor prohibited in:

COLORADO	Convicts shall not be used in building bridges or similar structures which require the employment of free labor.	R. S. 1908, C. 108, Sec. 4880.
GEORGIA		R. S. 1911, Sec. 1212.
ILLINOIS		R. S. 1909, C. 108, Sec. 77.
TENNESSEE	Industries to compete as little as possible with free labor.	Laws of 1909, H. B. 789.
UTAH	Diversified lines of industry to be selected so as to interfere as little as possible with industries of the State.	R. S. 1910, Title 74, Sec. 2257.

The limitation of output in lines affected was the prevailing
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remedy, based on the theory that where the quantity was small the debasing effect of the goods on the market would be small. As the limitation upon the quantity of output was difficult to legislate upon and in a field in which the union men were not versed, the limitation was placed upon the number of convicts that could be employed on any one commodity and the restriction upon the use of machinery.

Number of Convicts in One Industry Limited:

MASSACHUSETTS	Not more than 30 per cent of the convicts may be employed in any industry except cane-seating and umbrella making.	R. S. 1902, C. 225, Sec. 48.
	Brushes not more than 80 men; chairs with wood frames not more than 80 men; clothing other than shirts or hosiery not more than 375 men; harness not more than 50 men; mats not more than 20 men; rattan chairs not more than 75 men; rush chairs not more than 75 men; shirts not more than 80 women; shoes not more than 375 men; shoe heels not more than 125 men; stone cutting not more than 150 men; laundry work not more than 100 men.	R. S. 1902, C. 225, Sec. 47.
MINNESOTA	Number of convicts in any one industry not to exceed 10 per cent of total number of persons engaged in such industry in the state, unless needed to produce articles for State or Charitable institutions. Number in each industry to be determined by a commission consisting of the State Labor Commissioner, a member of the Board of Control and a citizen not connected with the prison, the last two appointed by the Governor.	R. S. 1905, C. 105, Sec. 5449.
	This provision does not apply to the number of prisoners employed in manufacture of binder twine, binder, mowers, and rakes at Stillwater, nor to number manufacturing brushes at Cloud, nor to number hereafter employed at Stillwater in any industry not now carried on in the State.	R. S. 1909, C. 105, Sec. 5449.
PENNSYLVANIA	Not more than 5 per cent of inmates to manufacture brooms and hollowware nor 10 per cent other goods.	R. S. 1903, Page 3488, Sec. 26.
OHIO	Total number employed in the manufacture of any one kind of goods manufactured elsewhere in the State not to exceed 10 per cent of the number of persons in the State outside the Penitentiary employed in such manufacture.	R. S. 1910, Div. 4, C. 3, Sec. 2244.

The Use of Machinery is forbidden in:

ILLINOIS	No more motive power or machinery other than hand or foot than is absolutely necessary.	R. S. 1909, C. 108, Sec. 80.
INDIANA	All work done under State account to be hand work if possible.	R. S. 1908, C. 124, Sec. 9850.
PENNSYLVANIA ¹		R. S. 1902, Page 3489, Sec. 28.

Similar prohibitions are found for the manufacture of any goods which would compete with any goods manufactured in the state in which the prison was located.

The manufacture of goods manufactured by free industries in the State is prohibited as follows:

IDAHO	No contract shall be let to perform any labor which shall conflict with any existing manufacturing industries of the state.	R. S. 1908, Part 3, Title 1, C. 1, Sec. 8461.
MICHIGAN	No mechanical trades shall hereafter be taught the convicts in the state prisons of this state except the manufacture of those articles of which the chief supply for home consumption is imported from other states or countries.	Const. 1850, Art. 18, Sec. 3.
UTAH	Board to select diversified industries with reference to interfering as little as possible with the same lines of industry carried on by citizens of the state.	R. S. 1907, Title 74, C. 10, Sec. 2257.

The branding of prison goods, or the use of a prohibitory license have been the subject of statutes in many states, though held unconstitutional pending the action of Congress.²

The Branding of convict-made goods and licensing the sale of convict-made goods is permitted in:

CALIFORNIA	Each and every article manufactured under the provisions of this act shall have plainly marked or stamped thereon either the words "San Quentin Prison" or the words "Folsom Prison", according as such article may be manufactured at one or other of said prisons.	Laws of 1911, Page 72, Art. 8.
COLORADO	No convict-made goods shall be sold without a license from the Secretary of State. This license is to be conspicuously posted in the dealer's place of business. License fee is \$500. License must be renewed every year. Goods are to be plainly marked and	R. S. 1908, C. 29, Art. 2, Sec. 835.

¹ *Kempf vs. Francis*, No. 9, Oct. Term, 1912. Filed Jan. 6, 1913.

² 157 N. Y., 1. "Hawkins' Case."

	branded "convict made". Bond of \$5,000 must be furnished for the faithful observance of the law.	
INDIANA	Requirements as to license, bond, fee, etc., same as in Colorado. All convict-made clothing must have linen label sewed on each article in a conspicuous place.	Acts of 1901, P. 618.
LOUISIANA	It shall be unlawful for any corporation, merchant or other person, in the State of Louisiana, to deal in or sell brooms, made in the different state penitentiaries, by convicts or other persons confined therein, unless each broom is stamped or labeled "convict-made"; said label or stamp to be not less than four inches long, two and a half inches wide, and the letters thereof not less than one inch in size. Any corporation, merchant or other person violating the provisions of this act shall, on conviction thereof, be fined not less than fifty dollars, or be imprisoned in the parish jail, for not less than thirty days, for each offense, at the discretion of the court.	R. S. 1904, Page 433.
KENTUCKY	All goods made in prison outside of the state, must be plainly marked "convict made". Penalty for removal of mark—year's imprisonment and fine of \$500. No one shall have convict-made goods in his possession for the purpose of sale that are not so marked.	R. S. 1909, C. 30, Secs. 524-525.
MAINE	All articles and goods manufactured at the prison for sale shall be distinctly labeled or branded with these words, "Manufactured at the Maine State Prison."	R. S. 1903, C. 141, Sec. 32.
NEW JERSEY	All goods made in whole or in part within the state prison and intended for sale to be plainly marked "Manufactured in the New Jersey state prison," or if impractical to mark article, package or box in which goods are contained to be plainly marked.	R. S. 1910, Page 4916.
NEW YORK	No one shall offer for sale or sell or have in his possession for the purpose of sale, any convict-made goods without a license from the State Comptroller. This license renewable every year. Fee \$500. Application for license to be accompanied by bond of \$5,000 for the faithful observance of the law. Requirements as to marking goods same as in Colorado. Penalty for violation, fine of not less than \$100 nor more than \$1,000, or imprisonment not less than ten days, or by both fine and imprisonment.	Penal Law 1909, Art. 60.
OHIO	Goods manufactured in this or any other state to be branded "convict	R. S. 1910, C. 16, Secs. 6213, 6218.

	made". Such brand to be placed outside of and upon the most conspicuous part of the finished article and its box, crate, or covering. When the Commissioner of Labor has reason to believe this statute has been violated he shall notify the Attorney-General who shall institute proceedings.	
OKLAHOMA	Any article manufactured by convicts in any prison or penitentiary of any state of the U. S., or in any federal prison or penitentiary, before being sold or offered for sale shall bear a label to be placed on the outside of the most conspicuous part of the article. Any person found guilty of violating this act shall be fined not less than \$100 or more than \$500.00.	Laws of 1910, H. B. No. 21.
OREGON	All goods made in any penitentiary, prison, or reformatory shall be plainly branded "convict made", followed by year and name of the penitentiary in plain English lettering. If it is impractical to brand articles label shall be placed on the box or other covering. Any person violating this act shall be sentenced to pay a fine of not exceeding \$1,000.	R. S. 1911, H. B. 82.
PENNSYLVANIA	All goods, wares, etc., manufactured in any prison, etc., whether for the direct benefit and maintenance of such institution or under contract made by the authorities with any third party shall be placed on the package or other covering; mark always to be placed upon the most conspicuous part of the article or box. Goods shipped to points outside the state shall not be so branded. Fine not exceeding \$1,000 or imprisonment for one year. Any person offering such goods for sale without license shall be subject to a fine not exceeding \$500 or imprisonment for 6 months.	R. S. 1903, P. 3488, Secs. 22-25.
WISCONSIN	All goods manufactured in a prison, etc., in any state except this state, shall be branded "convict made". If impractical to brand articles, packages or boxes in which they are contained, must be clearly marked. It is the duty of the Commissioner of Labor and the District Attorneys to enforce this law.	R. S. 1898, C. 202, Sec. 4960.

Special interests have attempted to secure statutes prohibiting the prison manufacture of the special commodities from the sale of which they secured a livelihood.

The Manufacture of Certain Articles is prohibited in:

CONNECTICUT	Tobacco or any article which in its use comes into contact with the mouth of human being.	R. S. 1902, Sec. 2902.
INDIANA	Manufacture of school desks, printing of school books or any books except for use in institution, at Reformatory.	R. S. 1908, C. 124, Sec. 9920.
MAINE	Wagons, sleighs and carriages except infants' carriages.	R. S. 1903, C. 141, Sec. 31.
MARYLAND	Tin cans for oyster and fruit packing purposes, or iron stoves for heating or cooking purposes, or iron castings for machinery purposes.	R. S. 1904, Art. 27, Sec. 565.
MASSACHUSETTS	Engraving.	R. S. 1902, C. 225, Sec. 26.
NEW YORK	Printing and photo engraving.	R. S. 1909, C. 47, Sec. 176.

The unhealthful conditions prevailing in certain prison workshops has resulted in special provisions prohibiting dangerous trades.

Work Injurious to Health or Dangerous to Person of Convict is prohibited in:

KANSAS	R. S. 1909, C. 108, Sec. 8595.
KENTUCKY	R. S. 1909, C. 97, Art. 1, Sec. 17.
SOUTH DAKOTA	R. S. 1910, Title 12, Sec. 696.

The introduction of free laborers into the prison workshops during the hours of labor so as to supplement the labor of prisoners and aid in the development of state workshops for the production of commodities for sale in the open market has been prohibited by statute.¹

Association with Free Laborers during Work Hours is prohibited in:

KENTUCKY	R. S. 1909, Sec. 3809.
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The avoidance of expense is sought by means of a statute.

Labor which can be carried on without expense to county and is consistent with safe-keeping of prisoner is permitted in:

NEW HAMPSHIRE	R. S. 1901, C. 282, Sec. 14.
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His hours of labor are limited. The desire to restrict the quantity of the goods he may produce has prevented his over-exertion, while militating against his efficiency.

¹ See, Whitin, Penal Servitude, pp. 67-69.
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Hours fixed at six per day:

NEVADA	County convicts; when weather permits.	R. S. 1912, Sec. 7619.
NEW MEXICO	County prisoners; between 9 and 4 p. m.	Laws of 1909, C. 89.

Hours fixed at eight per day:

COLORADO	Misdemeanants.	Laws of 1911, C. 130.
DELAWARE	Between 8 a. m. and 5 p. m.	R. S. 1893, Page 426, Sec. 5.
FLORIDA	Not less than 8 or more than 10.	R. S. 1906, Art. 6, Sec. 4138.
IDAHO	County prisoners.	R. S. 1901, Sec. 8542.
MINNESOTA	No convict to labor more than 8 hours per day at stone work.	R. S. 1905, C. 105, Sec. 5458.
NEW YORK		Prison Law 1909, Art. 171.
PENNSYLVANIA	County prisoners.	R. S. 1909, Page 5622, Sec. 1.
UTAH		R. S. 1907, Sec. 2263.
WISCONSIN		Laws of 1909, C. 333.

Hours fixed at nine per day:

NEW JERSEY		Laws of 1911, S. B. 150.
WEST VIRGINIA		R. S. 1903, Sec. 4672.

Hours fixed at ten per day:

ARKANSAS		R. S. 1904, Sec. 5899.
KANSAS		R. S. 1909, Sec. 8595.
LOUISIANA	County convicts; not to begin before 6 a. m.	R. S. 1904, Page 1313, Sec. 4.
MARYLAND		Laws of 1906, C. 36.
MICHIGAN		R. S. 1897, C. 75, Sec. 38.
MINNESOTA	Male prisoners over 16 and under 50 to labor not more than 10 hours per day.	R. S. 1905, C. 106, Sec. 5468.
MISSOURI	Eight hours per day from Oct. 15 to April 15; ten hours per day from April 15 to October 15.	R. S. 1909, Sec. 1657.
NORTH DAKOTA		Laws of 1909, C. 228.
OREGON		R. S. 1910, Sec. 4518.
TENNESSEE		R. S. 1896, Title 7, Art. 2, Sec. 7512.

Hours determined by various provisions:

SOUTH DAKOTA	Constant employment for benefit of state.	R. S. 1910, Title 12, C. 1, Sec. 674.
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Hours to be determined by discretion of Prison Board:

ARIZONA		R. S. 1901, Title 56, C. 2, Sec. 3589.
CALIFORNIA		Penal Code 1909, Sec. 1586.
CONNECTICUT		R. S. 1902, Title 17, C. 176, Sec. 2809.
DISTRICT OF COLUMBIA	Supreme Court to make rules.	R. S. 1911, C. 35, Sec. 1196.
GEORGIA		R. S. 1911, Sec. 1199.
KENTUCKY		R. S. 1909, Sec. 3812.
MAINE		Laws of 1903, C. 141, Sec. 4.
MISSISSIPPI		R. S. 1906, C. 107, Sec. 3592.
MONTANA		R. S. 1907, Sec. 9717.
NEBRASKA		R. S. 1911, C. 51, Secs. 2743-4.
NEVADA	State prisoners.	R. S. 1912, Sec. 7569.
NEW HAMPSHIRE	Discretion of governor and council.	R. S. 1901, C. 285, Sec. 5.
NEW MEXICO	State prisoners.	R. S. 1899, Sec. 3491.
NORTH CAROLINA		R. S. 1908, C. 116, Sec. 5391.
OHIO		R. S. 1910, Div. 4, C. 2, Sec. 2159.
OKLAHOMA		Acts of 1908, H. B. 715.
RHODE ISLAND		R. S. 1909, Title 38, C. 360, Sec. 2.
VERMONT		R. S. 1906, Sec. 5990.
WASHINGTON		R. S. 1910, Title 68, Sec. 8521.

V

HOW IS HE MAINTAINED?

Supplied with a bunk, the prisoner is required to keep it according to certain regulations and is protected in the use of it by regulations.

1. *Bunking.*

ALABAMA	White and colored prisoners to be housed separately. Fine of \$100 for jailer who houses them together if there is sufficient accommodation to do otherwise.	R. S. 1907, C. 192, Sec. 6619.
ARKANSAS	Separation of white and colored prisoners, male and female. Separate cells for all convicts at night.	R. S. 1904, C. 123, Secs. 5900-5901.
CALIFORNIA	Beds of straw; sufficient number of blankets. County—Some suitable woman to have charge of women prisoners; they must not see or be seen by or converse with male prisoners; guard may not search women prisoner or enter her cell except in presence of matron.	Penal Code 1909, Sec. 1587. Penal Code 1911, Title 2, Part 3, Sec. 1616.
COLORADO	County — Sheriff responsible for cleanliness of jails; prisoners under civil process to be kept separate from those under criminal process. Separation of sexes.	R. S. 1908, C. 74, Secs. 3585-7.
CONNECTICUT	Warden to make regulations. County—Prisoners on civil process not to be lodged in same rooms as those held on criminal process. County to provide suitable bedding and fuel.	R. S. 1902, Sec. 2901. R. S. 1902, Secs. 2945 & 2929.
DELAWARE	Sheriff paid as much per day as Levy Court decides for bedding, etc. Separation of males and females and young prisoners from hardened offenders.	R. S. 1893, C. 54, Sec. 3. Laws of 1898, C. 247.
DISTRICT OF COLUMBIA	All regulations to be made by Supreme Court.	R. S. 1911, C. 35, Sec. 1196.
FLORIDA	Allowance of bedding the same as fixed by the U. S. army regulations. Separation of white and negro convicts at all times when not at work. Separation of sexes and races on farm.	R. S. 1906, Art. 6, Sec. 4132. Sec. 4142. R. S. 1906, Sec. 4117.
GEORGIA	Separation of races and sexes and first offenders from hardened criminals.	R. S. 1911, Vol. 2, Sec. 1203.

IDAHO	Total supplies for institution, including salaries of officers and all other expenses connected therewith, not to exceed 85c. per day per prisoner.	R. S. 1908, Sec. 8468.
	Separate cells for all prisoners whenever possible.	R. S. 1908, Sec. 8494.
	County—All jails to contain a sufficient number of cells to allow prisoners belonging to the following classes to be separated: Civil from criminal; persons convicted from those detained as witnesses; male from female.	R. S. 1908, Sec. 8526.
ILLINOIS	State—Female convicts to be sent to some other state where there is a woman's prison.	R. S. 1908, Sec. 8515.
	State—Commissioners to make all regulations.	R. S. 1909, C. 108, Sec. 13.
	County—Debtors and witnesses not to be confined in same room as persons committed to crime.	R. S. 1909, C. 75, Secs. 11-16.
	Separation of males and females and young prisoners from hardened offenders. Keepers to furnish prisoners with sufficient clean water daily to provide for personal cleanliness.	
	Jail to be kept in a healthful condition and whitewashed with lime at least once every three months; rooms wherein prisoners are confined to be whitewashed once a month between May and November. Keeper to see constant attention is paid to cleanliness of prisoners.	Secs. 20 & 22.
INDIANA	Clean straw beds, sufficient coverings for comfort of prisoners. Separation of young prisoners from hardened offenders and of males and females.	R. S. 1908, C. 124, Secs. 9863 & 9814.
IOWA	Keeper responsible that jail is kept in a healthy, cleanly condition and for personal cleanliness of the prisoners. Each prisoner to be furnished daily with sufficient clean water for drink and personal use and with a clean towel once a week.	R. S. 1897, Title 26, Sec. 5640.
	Separate apartments for females in all jails.	Sec. 5639.
	Young prisoners to be separated from hardened offenders.	Sec. 5638.
	State—Separate rooms for sexes.	R. S. 1909, C. 60, Sec. 4559.
KANSAS	County—Sheriff to supply fuel; juvenile prisoners to be separated when possible.	Sec. 4575.
KENTUCKY	Prison commission to make rules necessary for the preservation of the convict's health and general sanitary arrangements of the Penitentiary.	R. S. 1909, Sec. 3812.
	Warden at regular intervals to cause all cells to be thoroughly cleaned and aired; to see that sufficient clean, com-	Sec. 3797.

	<p>fortable bedding is provided for each convict; cells and bedding to be thoroughly inspected at least once a week.</p> <p>County—Jails to be kept clean and free from nauseous odors; to be kept comfortably warm. Each prisoner to have sufficient bed clothing to be paid for out of county levy.</p>	
LOUISIANA	<p>Separation of male and female, blacks and whites at Penitentiary.</p> <p>Police jury to make regulations for convicts working under its supervision.</p>	<p>R. S. 1909, C. 73, Sec. 2236.</p> <p>Acts of 1900, No. 70, Sec. 6.</p>
MAINE	<p>Sheriff responsible for cleanliness of jail; walls to be whitewashed annually and attention paid to cleanliness of prisoners.</p> <p>Inspectors to make recommendations to county commissioners as to improvement in sanitary conditions, heating, lighting, etc., of jail.</p>	<p>R. S. 1908, Page 623, Sec. 7.</p> <p>R. S. 1903, C. 82, Sec. 38.</p> <p>Laws of 1909, C. 126.</p>
MARYLAND	<p>Separation of sexes; walls to be whitewashed at least three times a year; warden to take proper measures for the health and cleanliness of the prisoners and to see convicts pay proper attention to their person.</p>	<p>R. S. 1904, Art. 27, Secs. 595-6 & 630.</p>
MASSACHUSETTS	<p>All penal institutions to be well ventilated, beds of good quality and sufficient covering for comfort of prisoners, to include mattress, blankets and pillows; strict attention to be paid to cleanliness; clean towels weekly; clothes not to be washed at night or hung wet in room occupied by prisoner.</p>	<p>R. S. 1902, C. 225, Sec. 30.</p>
MICHIGAN	<p>Bedding to be plain but of good quality and sufficient quantity for comfort of convict.</p> <p>Fuel and comfortable bedding to be provided for county convicts by supervisors.</p>	<p>R. S. 1897, C. 76, Sec. 25.</p> <p>R. S. 1897, C. 86, Sec. 6.</p>
MINNESOTA	<p>Bedding of coarse material; separate cells for all prisoners whenever possible.</p> <p>County—Separation of males and females, youthful prisoners from hardened criminals, insane from other prisoners; as far as possible each prisoner to have a separate cell; sheriff to see jail is kept clean.</p>	<p>R. S. 1905, C. 105, Secs. 5435, 5439.</p> <p>R. S. 1905, C. 106, Sec. 5475.</p>
MISSISSIPPI	<p>Separation of races and sexes.</p> <p>County—Separation of sexes.</p> <p>Board of supervisors to establish rules for housing of county convicts.</p>	<p>R. S. 1906, C. 107, Sec. 3625.</p> <p>R. S. 1906, C. 22, Sec. 874.</p> <p>Sec. 843.</p>
MISSOURI	<p>Bedding of coarse material.</p> <p>County—Civil and criminal cases to be kept separate, also females and males. Grand jury to visit jail monthly and examine conditions thereof.</p>	<p>R. S. 1909, Art. 19, Sec. 1637.</p> <p>R. S. 1909, Art. 18, Secs. 1576 & 1583.</p>

MONTANA	County jails to contain sufficient cells to permit separate confinement of persons committed for civil or criminal causes; males from females and persons held under sentence from those held as witnesses. Board of Commissioners to make rules in regard to management of Penitentiary.	R. S. 1907, Part 3, Title 2, Sec. 9760.
NEBRASKA	Bedding of coarse material; when there are sufficient cells convicts to be confined separately. County—Judges of district courts to make rules as to cleanliness of jails and prisoners, beds, heating, lighting and ventilating of jail.	R. S. 1907, Part 3, Title 1, Sec. 9717. R. S. 1911, Secs. 10179, 10180. Sec. 10137.
NEW HAMPSHIRE	Jailers to provide bedding, etc. Governor to establish rules for health and comfort of prisoners.	R. S. 1901, C. 282, Sec. 4. C. 285, Sec. 5.
NEW MEXICO	Board of commissioners to make regulations for Penitentiary. County commissioners to visit jails at least twice a year and carefully examine as to cleanliness, etc. Sheriff to keep jails clean and healthy and observe special care as to habits of cleanliness among the prisoners.	R. S. 1897, Sec. 3498. R. S. 1897, Title 7, C. 9, Secs. 823-827.
NEW JERSEY	Each convict to have a separate cell. County—Female prisoners to be removed as far possible from male; female guards to watch such prisoners day and night.	R. S. 1910, Page 4912, Sec. 7. Laws of 1911, C. 137.
NEW YORK	Separate cells for all prisoners. County—Civil and criminal prisoners to be housed separately; also male and female.	R. S. 1909, C. 27, Sec. 151. R. S. 1909, C. 47, Art. 13, Secs. 345-6.
NORTH CAROLINA	State—Directors to make all arrangements for sanitary condition of Penitentiary. County—Jails must have at least 5 separate and suitable compartments, one for white male criminals, one for white female, one for colored males, one for colored females, one for other prisoners. Cells to be so heated as to be warm and comfortable; bedding to be furnished, including good warm blankets. Sheriff or keeper to daily cleanse all occupied rooms in cell house.	R. S. 1908, C. 116, Sec. 5390. R. S. 1908, C. 24, Secs. 1336-7-8 & 1343.
NORTH DAKOTA	County commissioners to examine at least yearly as to health and cleanliness of prisoners. Keeper to see jail is constantly kept in a clean and healthful condition and that strict attention is paid to personal cleanliness of all prisoners; each prisoner to be furnished with clean water daily and one clean towel per week.	R. S. 1905, C. 19, Secs. 10434-8.

	State—Males and females to be housed separately; separate cells for all prisoners at night.	R. S. 1905, Code of Criminal Procedure, C. 17, Sec. 10360.
OHIO	Board of managers make all arrangements.	R. S. 1910, Div. 4, C. 2, Sec. 2159.
	County—Sheriff to examine the condition of each prisoner at least once a month. Cells to be whitewashed at least three times a year.	R. S. 1910, C. 14, Sec. 3160.
	Court of common pleas to regulate cleanliness of prison and prisoners, warming, lighting and ventilating of jail.	R. S. 1910, C. 4, Sec. 3162.
	Separate cells for prisoners.	Sec. 3168.
OKLAHOMA	State—Regulations to be made by board of control.	Laws of 1908, C. 22.
	County—Courts to make rules for cleanliness of prisoners, classification as to sex, age, crime, etc.; also as to beds and warming, lighting and ventilating of jail; county commissioners to inspect at least once a week and to examine in regard to cleanliness. Jailer to keep jail clean and to be responsible for cleanliness of prisoners; prisoner to have all necessary clean water and a clean towel weekly.	R. S. 1903, Secs. 5750 & 5719.
OREGON	All jails not previously standing to be built of brick or stone, floor of cement, ceiling of plaster, iron or steel, roof of metal, slate or non-combustible material, doors of iron or steel, windows of glass with no more wood than is necessary; whole structure as nearly fire-proof as possible.	R. S. 1910, C. 14, Sec. 4527.
	Male and female prisoners to be kept separate.	Sec. 4533.
	In every county of 100,000 a discreet, capable matron shall have charge of women prisoners.	Secs. 4535-6.
PENNSYLVANIA	State—A sufficient number of cells to provide for solitary housing of prisoners.	R. S. 1903, Page 3485, Art. 1.
	County—Keepers responsible for sanitary arrangement.	R. S. 1903, Page 2010, Sec. 1.
RHODE ISLAND	Warden to see convicts are cleanly as to their persons.	R. S. 1909, C. 360, Secs. 23 & 38.
	Jailer to supply all necessities and to be allowed the amount fixed by law for support of prisoners.	C. 358, Sec. 4.
SOUTH CAROLINA	Lodging to be carefully provided for in all contracts.	R. S. 1902, Title 2, C. 33, Sec. 684.
	County commissioners to furnish blanket and such other bedding as shall be necessary for persons confined in jail; criminal prisoners to be provided with at least 2 blankets in winter.	R. S. 1902, Title 2, C. 32, Sec. 652.

SOUTH DAKOTA	State—Prisons to be kept clean; personal cleanliness of convicts to be enforced; prisoners to have all clean water necessary; clean towel once a week.	R. S. 1910, Title 12, Sec. 740.
	Convicts to be confined in separate cells at night and in day time intercourse between them to be prevented as far as possible; all communications between male and female convicts to be prevented.	Sec. 674.
TENNESSEE	County—Judges of circuit court to make regulations for cleanliness of jails, separation of sexes, etc., and for warming, lighting and ventilating jails.	R. S. 1910, C. 4, Sec. 720.
	Chairman of board to make regulations for housing.	R. S. 1896, Sec. 7469.
	Young and old prisoners, males and females, white and colored to be separated; separate cells for all convicts at night.	R. S. 1897, Title 7, Art. 4. Secs. 7520-1.
	County—Jailer to keep jail clean and to remove all filth from cells once in every 24 hours; sexes to be separated.	Secs. 7484, 7522-7527.
TEXAS	Separation of sexes and races.	R. S. 1911, Secs. 6209-6211.
	County—Commissioners to see jails are clean and well ventilated and not overcrowded and beds comfortable for prisoners.	R. S. 1911, Secs. 5108-5110.
UTAH	Whenever there is a sufficient number of cells prisoners shall be kept separate at night and when unemployed.	R. S. 1907, Sec. 2265.
	County—Separation of male and female prisoners, also criminal from civil prisoners. Women to be under care of suitable matron.	R. S. 1907, Title 15, C. 7, Sec. 577.
VERMONT	Prisons to be arranged for complete separation of sexes.	R. S. 1906, Sec. 6082.
	County—children under 16 to be separated from hardened criminals.	R. S. 1906, Title 33, C. 262, Sec. 6116.
VIRGINIA	State—All cells to be whitewashed twice a year by convicts, and floors to be washed as often as necessary.	R. S. 1904, Title 55, Sec. 4128.
	County—Jails to be whitewashed at least twice a year, properly aired, and always clean. Prisoners to have proper beds and bedding. Jails to be warmed in winter.	R. S. 1904, C. 42, Sec. 928.
WASHINGTON	Beds of straw, or other suitable material. Sufficient covering of blankets.	R. S. 1910, Title 68, C. 2, Sec. 8520.
	County—Superior judges to make rules as to cleanliness of jails, classification of prisoners in regard to sex, beds, warming, lighting and ventilation.	R. S. 1910, C. 1, Sec. 8495.
WEST VIRGINIA	State—Board to make regulations.	R. S. 1906, C. 163, Sec. 4638.
	County—Separate apartments for prisoners; every apartment to be kept comfortable.	R. S. 1906, C. 39, Sec. 1212.

	Jails to be whitewashed twice per year; bedding to be kept clean, and apartments warm.	R. S. 1906, C. 39, Sec. 1342.
WISCONSIN	County—Jails to be kept in a clean and healthy condition; attention to be paid to personal cleanliness of prisoners; clean water daily; clean towel weekly; criminal and civil prisoners to be separated; also separation of sexes.	R. S. 1889, Title 34, C. 202, Secs. 4950, 4952.
<i>2. Food is supplied according to varying standards:</i>		
ALABAMA	Sufficient good, wholesome food for county convicts.	R. S. 1907, C. 192, Sec. 6609.
	State—Sound and wholesome food.	R. S. 1901, Sec. 6538.
ARIZONA	County—Sheriff allowed reasonable compensation for board of prisoners.	R. S. 1901, Title 15, Sec. 1194.
ARKANSAS	State—Sufficient wholesome food.	R. S. 1904, Sec. 5920.
	County—Sheriff to provide needy prisoners with food sufficient for their support.	R. S. 1904, C. 91, Sec. 4402.
CALIFORNIA	State—Sufficient plain, wholesome food as to conduce to health of prisoners.	Penal Code 1909, Part 3, Title 1, Sec. 1587.
	County—Sheriff to provide necessary food for which he shall be allowed reasonable compensation to be determined by board of supervisors.	R. S. 1909, Part 3, Title 2, Sec. 1611.
	County—Keeper to supply food at his own expense; board of commissioners to allow him reasonable amount per day for dieting prisoners.	R. S. 1909, C. 74, Sec. 3585.
CONNECTICUT	Warden to arrange food.	R. S. 1902, Sec. 2901.
	County—Prisoners permitted to provide their own supplies provided consent of sheriff is obtained.	R. S. 1902, Sec. 2930.
DELAWARE	Sheriff paid by prisoner as much per day as Levy Court determines; prisoner detained until payment of board which shall be added to other costs. All prisoners except convicts to procure their food at their own cost and to send for same.	R. S. 1893, C. 54, Sec. 3.
DISTRICT OF COLUMBIA	Attorney-general to pay for subsistence of prisoners such sum as it actually costs to subsist them.	R. S. 1911, C. 35, Sec. 1204.
FLORIDA	Allowance of food the same as standard fixed by U. S. Army regulations. Leases to provide suitable food according to directions of board of commissioners.	R. S. 1906, Art. 6, Secs. 4132, 4150.
GEORGIA	Prison commissioners to regulate food.	R. S. 1911, Vol. 2, Sec. 1199.
IDAHO	Sufficient quantity of substantial, wholesome food.	R. S. 1908, Sec. 8405.
	County—Sheriff to supply necessary food for which he shall be allowed reasonable compensation by county.	R. S. 1908, Part 3, Title 3, Sec. 8539.

ILLINOIS	State commissioners to make regulations in regard to food. County—Keeper to furnish sufficient well-cooked food three times a day.	R. S. 1909, C. 108, Sec. 13. R. S. 1909, C. 75, Sec. 16.
INDIANA	Coarse, wholesome food, not less than three-quarters of a pound of meat, and sufficient vegetables to conduce to health. County—Sheriff to provide meat and drink for jail prisoners unless they are able to supply themselves.	R. S. 1908, C. 124, Sec. 9863. R. S. 1908, C. 124, Sec. 9814.
IOWA	Nine dollars per month allowed for support of each convict at Fort Madison, and \$9.50 at Anamosa. County—Jail prisoners to be served daily with three well-cooked meals.	R. S. 1897, Title 26, C. 2, Sec. 5718. R. S. 1897, Title 36, Sec. 5640.
KANSAS	State—Board of Directors to make regulations. County—Sheriff to supply proper bread, meat and drink.	R. S. 1909, C. 108, Sec. 8563. R. S. 1909, C. 60, Sec. 4559.
KENTUCKY	Prison Commission to make regulations for food. County—Keeper of jail to receive 75 cents per day per person for keeping and dieting.	R. S. 1909, Sec. 3812. Laws of 1910, C. 96.
LOUISIANA	Food and rations not to be less than those prescribed by U. S. Army regulations for soldiers. Police juries to regulate fees of sheriffs for keeping prisoners. Compensation not to be less than 25 cents per diem per prisoner, or more than 50 cents per diem.	R. S. 1904, Sec. 2866. R. S. 1904, Page 1767, Sec. 1.
MAINE	Inspectors to make regulations in regard to food. County—Prisoners to be supplied with food; all expenses over earnings from labor to be met by county.	R. S. 1903, Title 12, C. 141, Sec. 11. R. S. 1903, Title 12, C. 82, Secs. 43, 44.
MARYLAND	Three meals a day consisting in all of one and one-quarter pounds flour, three-quarters of a pound of beef or half a pound of bacon of good, coarse quality, one herring, one gill of molasses, one pint of potatoes or vegetables with soup, rye-coffee, tea and salt.	R. S. 1904, Art. 27, Sec. 597.
MASSACHUSETTS	Three meals a day of wholesome food.	R. S. 1902, C. 225, Sec. 30.
MICHIGAN	Food plain but of good quality and sufficient quantity for sustenance and comfort of convicts. Board of Supervisors to provide food for county convicts.	R. S. 1897, C. 75, Sec. 25. R. S. 1897, C. 86, Sec. 8.
MINNESOTA	Sufficient quantity of substantial, wholesome food. County—Sheriff to be paid for board of prisoners, the sum averaging from 71 to 120 cents per prisoner per day; 3 meals per day of sufficient well-cooked food; meat once a day but no butter or other luxuries except on Sunday.	R. S. 1905, C. 105, Sec. 5435. R. S. 1905, C. 106, Secs. 5473-6.

MISSISSIPPI	Coarse, wholesome, well-cooked food; vegetables in season.	R. S. 1906, C. 107, Sec. 3640.
	County—Board of supervisors to make regulations.	R. S. 1906, C. 22, Sec. 843.
MISSOURI	Board to make regulations; prisoners to have nothing more except under physician's orders.	R. S. 1909, Art. 19, Sec. 1637.
	County—Prisoners, except those convicted of felony to send for their own food and drink.	R. S. 1909, Art. 18, Sec. 1582.
MONTANA	Board of commissioners to make regulations.	R. S. 1907, Part 3, Title 1, Sec. 9717.
	County—Sheriff to provide food for which he shall be allowed reasonable compensation.	R. S. 1907, Part 3, Title 2, Sec. 9773.
NEBRASKA	Substantial, wholesome food.	R. S. 1911, Sec. 10180.
	County—Sheriffs to receive 70 cents per day per prisoner from which to provide food and other necessities.	R. S. 1911, Sec. 10147.
NEW HAMPSHIRE	Governor to provide for purchase of supplies.	R. S. 1901, C. 285, Sec. 5.
	County—Jailer to provide food for which county commissioners shall allow him reasonable compensation.	R. S. 1901, Title 35, C. 282, Sec. 4.
NEW MEXICO	For each one hundred rations per day is allowed: 60 lbs. bacon, or 150 lbs. of fresh meat, 112 lbs. flour, 30 lbs. beans or 15 lbs. rice, 10 lbs. coffee or 2 lbs. tea, 15 lbs. sugar or molasses, 4 qts. vinegar, 4 lbs. salt, 8 lbs. soap, 6 ozs. pepper, 3 lbs. baking powder.	R. S. 1897, Sec. 3545.
	County—Jail prisoners to be furnished food of sufficient quantity 3 times a day.	R. S. 1897, Title 7, C. 9, Sec. 827.
NEW JERSEY	Plain food at discretion of keeper, subject to approval.	R. S. 1910, Page 4912, Art. 7.
	County—Sheriffs allowed 15 cents per day for feeding prisoners.	Laws of 1911, Sec. 279.
NEW YORK	Sufficient quantity of inferior but wholesome food.	Prison Law 1909, C. 47, Sec. 152.
	County—Sheriff to make regulations.	Prison Law 1909, C. 47, Art. 3, Sec. 340.
NORTH CAROLINA	Board to make regulations.	R. S. 1908, C. 116, Sec. 5390.
	County—1 lb. of good bread, 1 lb. of good meat and other necessities daily.	R. S. 1908, C. 24, Sec. 1343.
NORTH DAKOTA	Coarse, wholesome food, sufficient quantity of meat and vegetables for health of convicts.	Code of Criminal Procedure, 1905, C. 17, Art. 7, Sec. 10362.
	County—3 meals a day of wholesome, well-cooked food.	Code of Criminal Procedure, 1905, Sec. 10438.
OKLAHOMA	Board of control to make regulations.	Laws of 1908, C. 22, Art. 1.

	County—Prisoners to be served three times daily with good, wholesome food in sufficient quantity.	R. S. 1903, Sec. 5719.
OREGON	Jail prisoners to be supplied by keeper with wholesome food.	R. S. 1910, Sec. 4534.
OHIO	Board of managers to make regulations.	R. S. 1910, Div. 4, C. 2, Sec. 2159.
PENNSYLVANIA	No prisoners to receive anything but prison allowance of food.	R. S. 1903, Page 3494, Sec. 12.
	County—Keepers to supply food.	R. S. 1903, Page 2010, Sec. 1.
RHODE ISLAND	No convict to receive anything but prison allowance of food unless by order of physician.	R. S. 1909, C. 360, Sec. 39.
SOUTH CAROLINA	Sufficient plain, wholesome food.	R. S. 1902, Criminal Code, C. 33, Sec. 684.
	County—Food to be carefully provided for in all contracts.	R. S. 1902, C. 33, Sec. 684.
SOUTH DAKOTA	Such proportion of meat and vegetables as warden deems best for health of convict.	R. S. 1910, Code of Criminal Procedure, Sec. 675.
	County—Three meals a day of wholesome, well-cooked food.	R. S. 1910, Code of Criminal Procedure, Sec. 740.
TENNESSEE	Each convict to have ample supply of bread, $\frac{3}{4}$ lb. of bacon, 1 lb. of pork and $\frac{1}{2}$ lb. of beef and such quantities of coffee, sugar, molasses and vegetables as provided by law.	R. S. 1896, Title 7, Art. 2, Sec. 7481.
	County—2 meals a day of good, sound bread and meat well cooked, with vegetables at one of the meals. Plenty of water twice a day from May to November; once a day from November to May.	R. S. 1896, Title 7, Art. 6, Sec. 7430.
TEXAS	Sufficient plain and wholesome food.	R. S. 1911, Title 104, C. 2, Art. 6205.
UTAH	Food of plain, good quality sufficient for sustenance and comfort.	R. S. 1907, Sec. 2243.
	County—Sheriff to supply food for which he shall be allowed a reasonable sum.	R. S. 1907, Title 15, C. 7, Sec. 580.
VERMONT	Keeper of jail to provide good board.	R. S. 1906, Title 33, C. 262, Sec. 6117.
VIRGINIA	Bread of Indian meal or other coarse bread. One meal a day of coarse meat. Board of directors may regulate diet for good cause.	R. S. 1904, Title 55, Sec. 4127.
	County—Wholesome food of sufficient quantity.	R. S. 1904, C. 42, Sec. 928.
WASHINGTON	Sufficient food of plain and wholesome variety as may be most conducive to good health.	R. S. 1910, Title 68, C. 2, Sec. 8520.
	County—Grand jury of each county to inspect food.	R. S. 1910, Title 68, C. 1, Sec. 8503.

WEST VIRGINIA	Board of directors makes regulations.	R. S. 1906, C. 162, Sec. 4638.
	County—Wholesome and sufficient food.	R. S. 1906, C. 41, Sec. 1342.
WISCONSIN	Wholesome, coarse food with such proportion of meat and vegetables as the warden shall deem best for health of prisoners.	R. S. 1889, Sec. 4919.
	County—Good, well-cooked food.	R. S. 1898, Title 34, C. 202, Sec. 4950.
3. <i>Clothing prescribed by the Board, unless the law designates a uniform or permits the use of citizens' clothing:</i>		
(a) <i>Prison uniform required:</i>		
ALABAMA	Coarse and cheap uniform to distinguish from other persons.	R. S. 1907, Sec. 6537.
ARKANSAS	Uniform prescribed by board.	R. S. 1904, Sec. 5920.
CALIFORNIA	Clothing to distinguish grades of state prisoners.	Penal Code 1909, Sec. 1578.
	County—Boards of supervisors to provide distinctive clothing for county convicts.	Penal Code 1909, Sec. 1614.
FLORIDA	Uniform to be determined by board of commissioners.	R. S. 1906, C. 3, Art. 2, Sec. 4116.
MISSISSIPPI	Coarse, strong penitentiary stripes.	R. S. 1906, C. 107, Secs. 3641 & 3602.
MISSOURI	Uniform prescribed by inspectors.	R. S. 1909, Sec. 1637.
NEVADA	Garb of first-grade prisoners one color throughout; garb of second-grade prison stripes; garb of third-grade trousers of prison stripes; red shirts.	R. S. 1912, Sec. 1583.
NEW JERSEY	Comfortable clothing of coarse material, uniform in color and make.	R. S. 1877, Page 1251, Art. 211.
NORTH CAROLINA		R. S. 1908, Sec. 5415.
RHODE ISLAND	Only reformatory convicts exempt from wearing garb.	R. S. 1909, C. 360, Sec. 17.
	Uniform to be determined by board.	
TENNESSEE	Comfortable garments of coarse, cheap material, made in uniform and peculiar style so as to distinguish convicts from other persons—style to be determined by commissioners.	R. S. 1896, Title 7, Art. 4, Sec. 7524.
TEXAS	Except for third-class prisoners or as punishment stripes are abolished and a suitable uniform substituted.	R. S. 1911, Title 104, C. 2, Art. 6202.
VIRGINIA	Distinctive uniform for each sex made of coarse material.	R. S. 1904, Title 55, Sec. 4124.
WASHINGTON	Garments of coarse, substantial material of distinctive manufacture.	R. S. 1910, Title 68, C. 2, Sec. 8520.

(b) *Citizens' clothing permitted:*

NEVADA	Stripes need not be worn by convicts engaged in road work.	Laws of 1911, C. 71.
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NEW HAMPSHIRE	Appropriation of \$700 to carry out vote of Governor and Council to change the clothing of the prisoners.	Laws of 1907, C. 49.
NORTH CAROLINA	Reformatory prisoners need not wear convict garb.	R. S. 1908, Sec. 5415.
(c) <i>Other provisions as to clothing, and care of person:</i>		
IOWA	Prisoners to be furnished with clean shirts once a week.	R. S. 1897, Title 26, Sec. 5640.
MASSACHUSETTS	Shirts to be washed weekly; male prisoners shaved, and all prisoners bathed.	R. S. 1902, C. 225, Sec. 30.
NORTH DAKOTA	Shirts to be washed weekly.	R. S. 1905, C. 19, Sec. 10438.
OKLAHOMA	Shirts to be washed weekly.	R. S. 1903, Sec. 5719.
RHODE ISLAND	A change of underclothing to be furnished each prisoner weekly.	R. S. 1909, C. 360, Secs. 23 & 38.
SOUTH DAKOTA	Shirts to be washed weekly.	R. S. 1910, Sec. 740.
TENNESSEE	Jailer to have 2 pieces of clothing for each prisoner washed every week and to furnish necessary apparatus for shaving once a week.	R. S. 1897, Title 7, Art. 4, Secs. 7481 & 7431.
WISCONSIN	Shirts to be washed weekly.	R. S. 1889, Title 34, C. 202, Sec. 4950.

VI

HOW IS HE CARED FOR?

A physician is provided with powers of inspection into the conditions of the individual and the healthfulness of his surroundings and with certain powers to remedy conditions. The supervision of punishment devolves upon the physician.

1. *Health and Medical Inspection:*

ALABAMA

Physician inspector to visit at least twice a year every county jail and alms house in the state and to aid in securing just, humane and economic management of such institutions. Also to aid in securing erection of sanitary buildings for accommodation of the inmates and to investigate the management of such institutions and the conduct and efficiency of persons charged with their management. County Court to attend within 30 days to recommendations of inspector and in event his recommendations are not carried out inspector may have convicts removed to jail of another county at expense of county. For failure to comply with inspector's recommendation a fine of from \$25 to \$500 may be imposed.

R. S. 1907, Secs.
7215-7220.

State Convicts—Physician inspector reports monthly to president of board of inspectors conditions, health and sanitary arrangements of the institutions with recommendations for necessary change. He devotes entire time to care of convicts.

Laws 1911, No.
303 & No. 530.

ARIZONA

Fully qualified physician, resident at prison.

R. S. 1901, Title
56, C. 2, Sec.
3585.

Convicts to be removed to place of safety when contagious disease or pestilence endangers their health.

R. S. 1901, Title
15, Sec. 1191.

ARKANSAS

Physician attends all sick convicts; examines cells weekly as to cleanliness and ventilation, food as to quality, quantity and general conditions, and convicts as to physical ability to labor; to report any convict likely to die of incurable disease, which convict may be pardoned. Physician has full charge of hospital and selects nurses from among the convicts.

R. S. 1904, C.
123, Secs. 5884-
5889.

CALIFORNIA	Jail prisoners to be removed in event of pestilence or contagious disease.	R. S. 1909, Penal Code, Title 2, Sec. 1608.
	Hair cutting for sanitary purposes.	Sec. 1615.
COLORADO	Physician in good standing to perform such daily duties as commissioners determine.	Acts of 1909, H. B. No. 149.
	Removal of convicts to place of safety in case of pestilence or contagious disease.	R. S. 1908, C. 108, Sec. 4890.
	Jail prisoners—Suffering from contagious disease to be removed to quarantine.	R. S. 1908, C. 115, Sec. 5058.
CONNECTICUT	Physician in good standing to visit prison once a month or when commissioners request.	R. S. 1902, Title 18, C. 176, Sec. 2906.
	Physician skilled in treatment of insane to act as consulting physician.	Sec. 2904.
	Prisoners suffering from venereal disease whose discharge would be dangerous to public health to be detained in institution until physician reports such danger overcome.	R. S. 1902, Title 18, C. 176, Secs. 2975-6.
	Provision to be made for care of sick jail prisoners.	Secs. 2935 & 2941.
	Prisoner suffering from a malignant disease or malady which will be incurable during his term of imprisonment to be discharged.	Sec. 2943.
DISTRICT OF COLUMBIA	Supreme Court to make rules necessary to health of prisoners.	R. S. 1911, C. 35, Sec. 1196.
FLORIDA	Physician to visit prison hospital at least once each day.	R. S. 1906, Title 4, C. 2, Art. 5, Sec. 4133.
	Leasees to provide medical care for sick convicts; such convicts to be inspected daily by a physician designated by board of state institution and to be paid from profits of contract; he shall prohibit sick convict from working and see that provisions for care of convicts are carried out.	R. S. 1906, Div. 5, Title 4, C. 2, Secs. 4150-1.
GEORGIA	Physicians for convict camps may continue the regular practice of their profession.	R. S. 1911, Sec. 1196.
	Grand juries to inspect jails in respect to sanitary conditions.	R. S. 1911, Sec. 1196.
IDAHO	Physician to examine cells and all sanitary arrangements of the prison and the food and clothing of convicts once a week.	R. S. 1908, Part 3, Title 1, C. 2, Sec. 8483.
	In case of pestilence convicts to be removed to place of safety.	R. S. 1908, Part 3, Title 1, C. 3, Sec. 8490.
	County Commissioners to inspect jails once every three months and see that necessary precautions are taken against sickness or infection.	R. S. 1908, Part 3, Title 3, Sec. 8543.
ILLINOIS	Prison physician to attend to all the wants of sick convicts; to examine weekly as to cleanliness and ventilation	R. S. 1909, C. 108, Sec. 32.

	of cells; to examine quantity and quality of food weekly.	
	Keeper to supply medical aid for jail prisoner.	R. S. 1909, C. 75, Sec. 19.
INDIANA	Prison physician to have general oversight as to health of convicts.	R. S. 1908, C. 124, Sec. 9838.
IOWA	Prison physician to have oversight of health of convicts.	R. S. 1897, Title 26, C. 2, Sec. 5672.
	Keeper to supply medical aid for jail prisoners.	R. S. 1907, Title 26, Sec. 5643.
KANSAS	Prison physician to have care of health of prisoners.	R. S. 1909, C. 97, Sec. 6840.
	County to provide medical aid for sick prisoners.	R. S. 1909, C. 97, Art. 16, Sec. 6907.
KENTUCKY	Prison physician to have full care of sick convicts; to manage hospital and make recommendations as to food, etc., after daily visiting the kitchen.	R. S. 1909, C. 97, Sec. 3802.
	County—Jail physician to be appointed in all counties having population of 150,000 or more.	R. S. 1909, C. 73, Sec. 2237.
LOUISIANA	Physician to visit convicts at least three times a week.	Acts of 1900, No. 70, Sec. 8.
	Lessees to provide medical aid for county convicts.	Acts of 1894, No. 29, Sec. 4.
	12½ cents extra allowed for diet of sick convicts.	R. S. 1904, Sec. 2837.
MAINE	Prison physician to have oversight of health of convicts.	R. S. 1903, C. 141, Sec. 33.
	County to provide medical aid for jail prisoners.	R. S. 1903, C. 82, Sec. 46.
MARYLAND	Prison physician to visit prison daily and to examine prisoners on admission, noting bodily defects for direction of warden in assigning tasks.	R. S. 1904, Art. 27, Secs. 613-623.
MASSACHUSETTS	Prison physician to care for all state and county prisoners.	R. S. 1902, C. 225, Sec. 100.
	Prison camp and hospital to be established.	R. S. 1908, Page 1478.
MICHIGAN	Prison physician to examine all sick convicts and cells for purpose of regulating ventilation and cleanliness, etc., and to superintend all corporal punishment.	R. S. 1897, C. 75, Sec. 2094.
	County supervisors to provide medical aid for sick convicts.	R. S. 1897, C. 86, Sec. 5.
MINNESOTA	State board of health to have supervision over construction and equipment of penal institution in regard to sanitary arrangements.	R. S. 1905, C. 29, Sec. 2131.
	Prisoners to be removed to place of safety in case of epidemic of contagious disease endangering their lives.	R. S. 1905, C. 105, Sec. 5442.
MISSISSIPPI	Prison physician to give entire time to care of convicts.	R. S. 1906, C. 107, Sec. 3598.
MISSOURI	Prison physician to attend all sick convicts, and examine weekly as to ventilation of cells, cleanliness, etc., also as to quantity, quality and condition of food.	R. S. 1909, C. 19, Sec. 1646.

	County to provide medical aid for sick prisoners.	R. S. 1909, C. 19, Sec. 1601.
MONTANA	County Commissioners to take necessary precautions against sickness or infection.	R. S. 1907, Part 3, Title 2, Sec. 9777.
NEBRASKA	Prison physician who shall be a member of penitentiary medical board.	R. S. 1911, Sec. 10107.
	Judges of district courts to make rules as to employment of medical and surgical aid for sick convicts.	R. S. 1911, Sec. 10137.
NEW MEXICO	Prison physician who shall express no opinion as to disability of prisoner except on his record.	R. S. 1897, Secs. 3531-3.
NEW HAMPSHIRE	Warden to make regulations for health of prisoners.	R. S. 1901, C. 285, Sec. 4.
	Jailers to provide necessary medical aid for prisoners.	R. S. 1901, C. 282, Sec. 4.
NEW JERSEY	Prison physician to visit each prisoner once a week or oftener if the state of his health requires; he has supervision over cleanliness, ventilation and diet.	R. S. 1910, Page 4912, Art. 5.
NEW YORK	Prison physician to attend daily all sick convicts, and to examine cells as to cleanliness, etc., weekly and to examine food daily.	Prison Law, 1909, C. 47, Art. 6, Sec. 138.
	County—supervisors to appoint physician.	Sec. 348.
	Prisoners to be removed to place of safety in case of contagious disease.	Sec. 155.
	Same provisions for county prisoners.	Sec. 351.
NORTH CAROLINA	All prisoners to be examined in regard to tuberculosis within 5 days after confinement.	R. S. 1908, Sec. 1343.
	Separate cells for tubercular convicts.	R. S. 1908, C. 116, Sec. 5390.
	Cells for tubercular prisoners in either jails or state prisons to be thoroughly fumigated before being used for any other purpose.	R. S. 1908, C. 24, Secs. 1336 & 1343.
	A parcel of land not exceeding 6 acres to adjoin each jail and all prisoners not committed for treason or felony, giving bond to sheriff of county to keep within rules, to walk therein out of the prison for the benefit of their health.	R. S. 1908, C. 24, Sec. 1339.
NORTH DAKOTA	Prison physician to perform duties prescribed by board.	Criminal Code, 1905, C. 17, Sec. 10361.
	Judges of district courts to make rules for employment of proper medical and surgical aid for convicts.	R. S. 1905, C. 17, Sec. 10418.
OHIO	State—Prison physician to perform duties prescribed by board.	R. S. 1910, Div. 4, C. 2, Sec. 2194.
	County—Medical care to be supplied.	R. S. 1910, Div. 4, C. 5, Sec. 3177.

	Order to be obtained from court sentencing prisoners for removal of those suffering from contagious disease to isolation hospital.	R. S. 1910, Div. 5, C. 11, Sec. 4444.
OKLAHOMA	County commissioners to inspect as to health of jail prisoners.	R. S. 1903, Sec. 5715.
OREGON	Keeper to supply county convicts with necessary medical aid.	R. S. 1910, Sec. 4534.
PENNSYLVANIA	State—Prison physician to visit every prisoner twice weekly; to examine into mental condition of all prisoners and when he believes the mind of the prisoner to be affected by discipline to recommend modifications. To give directions for health and cleanliness of prisoners and recommend changes in diet when necessary. In counties of from 5,000 to 800,000 inhabitants salary of jail physician to be \$1,800 per annum.	R. S. 1903, Page 3493, Sec. 42.
RHODE ISLAND	Prison physician to be appointed by board.	R. S. 1903, Page 880, Sec. 26.
SOUTH CAROLINA	Prison physician to inspect all state prisoners and report to Governor.	R. S. 1909, Title 38, C. 360, Sec. 15.
SOUTH DAKOTA	Prison physician to be appointed by board.	Criminal Code, 1902, Title 3, C. 33, Sec. 688.
TENNESSEE	Grand jury of each county responsible for health of convicts. From November 15th to March 15th to visit prison at 7 A. M. each day and examine physical condition of convicts and report on their ability to work. If unable to work he shall direct that they be returned to their cells or the hospital. From March 15th to November 15th he shall visit prison at 6.30 A. M. for same purpose.	R. S. 1910, Title 12, C. 1, Sec. 676.
TEXAS	Prison physician to visit penitentiary daily and examine health of convicts; he may employ nurses with the approval of the assistant superintendent in cases of serious illness or epidemics; in charge of sanitary regulation of prison and to see all precautions are taken to keep the prison healthy and to prevent contagious disease. County commissioners responsible that prisoners be kept in a healthy condition.	R. S. 1910, C. 5, Sec. 762. R. S. 1896, Title 7, C. 2, Art. 2, Sec. 7506.
UTAH	Prison physician to visit penitentiary daily and examine health of convicts; he may employ nurses with the approval of the assistant superintendent in cases of serious illness or epidemics; in charge of sanitary regulation of prison and to see all precautions are taken to keep the prison healthy and to prevent contagious disease.	R. S. 1897, Title 79, C. 4, Secs. 3681-6.
VIRGINIA	Prison physician to examine all cells weekly and report as to cleanliness. Prison physician to see that convicts take the exercise necessary to maintain their health. County commissioners to provide suitable medical aid for convicts.	R. S. 1911, Title 61, Art. 3135. R. S. 1907, Title 74, Sec. 2234. R. S. 1904, Title 55, C. 202, Sec. 4129. R. S. 1904, C. 42, Sec. 928.

WASHINGTON	Superior judges to make rules as to employment of medical and surgical aid for county convicts.	R. S. 1910, C. 1, Sec. 8495.
WEST VIRGINIA	County convicts to have necessary medical attention.	R. S. 1906, C. 41, Sec. 1342.
WISCONSIN	Proper medical care for sick prisoner in state prison.	R. S. 1898, C. 201, Sec. 4904.
	County to supply proper medical aid for sick prisoners.	R. S. 1898, C. 202, Sec. 4954.
WYOMING	Sheriff to furnish medical attention for jail prisoners.	R. S. 1910, C. 86, Sec. 1091.

2. *Religious teaching is provided under certain limitations:*

ALABAMA	The prison chaplain to give entire time to work with the convicts. Convicts to be provided with Bibles.	R. S. 1907, C. 191, Sec. 6503. R. S. 1908, C. 191, Sec. 6539.
ARIZONA	Two chaplains of different religious beliefs to give as much instruction to convicts as employment, etc., permits, and to have access at all times to the convicts.	R. S. 1901, Title 56, Sec. 3576.
ARKANSAS	Prison chaplain to hold religious services at least weekly.	R. S. 1904, C. 123, Sec. 5892.
COLORADO	Prison chaplain to perform duties prescribed by commissioners.	R. S. 1908, C. 108, Secs. 4860-4862.
CONNECTICUT	Prison chaplain to give entire time to work with convicts. Sunday-school to be conducted in the prison.	R. S. 1902, C. 176, Sec. 2911. R. S. 1902, C. 176, Sec. 2911.
ILLINOIS	Prison chaplain to visit convicts in their cells and give moral instruction. Each convict to be furnished with a Bible.	R. S. 1909, Page 1670, Sec. 23. R. S. 1909, Page 1670, Sec. 23.
IOWA	Prison chaplain to have access to convicts at all seasonable times.	R. S. 1897, Title 26, C. 2, Sec. 5671.
KANSAS	Prison chaplain to preach every Sunday and to use best interests to promote the religious and moral welfare of the convicts.	R. S. 1909, C. 108, Sec. 8577.
KENTUCKY	Prison chaplain to give full time to work with convicts.	R. S. 1908, C. 97, Sec. 3803.
LOUISIANA	Prison chaplain to have access to the prisoners at all times.	Acts of 1900, No. 70, Sec. 7.
MAINE	\$50 appropriation annually for Sunday-school at which persons from outside the prison may assist.	R. S. 1903, C. 141, Sec. 50.
	Prison chaplain to hold divine service each Sunday.	R. S. 1903, C. 141, Sec. 50.
MARYLAND	To hold divine service at which warden or assistant warden and all the convicts shall be present unless prevented by sickness.	R. S. 1904, Art. 27, Sec. 635.
MASSACHUSETTS	Sunday-school to be conducted by such instructors as board deems advisable.	R. S. 1902, C. 225, Sec. 73.
MICHIGAN	Prison chaplain to furnish each convict with a bible and to visit sick.	R. S. 1897, Sec. 2097.

MINNESOTA	Jail prisoners to be provided with Bibles at expense of county. Any minister willing to conduct service for jail prisoners has permission to do so.	R. S. 1905, C. 106, Sec. 5477. R. S. 1905, C. 106, Sec. 5477.
MISSISSIPPI	Prison chaplain to visit each of the convict farms at least once a month; to hold Sunday services at penitentiary in the morning for the whites and in the afternoon for the blacks.	R. S. 1908, C. 107, Sec. 3598.
MISSOURI	All clergymen of the City of Jefferson to have free access to the convicts at all times in accordance with prison discipline.	R. S. 1909, C. 19, Art. 1, Sec. 1664.
NEVADA	Divine service each Sunday; expense not to exceed \$520 per year. Commissioners to furnish Bibles and other books they deem necessary.	R. S. 1912, Sec. 7576. R. S. 1912, Sec. 7576.
NEW HAMPSHIRE	Suitable religious instruction to be provided.	R. S. 1901, Title 35, C. 285, Sec. 24.
NEW JERSEY	Prisoners to be furnished the Bibles and such other books as keeper deems necessary, and to receive religious instruction from competent persons.	R. S. 1910, Page 4910, Art. 3.
NEW MEXICO	Prison chaplain appointed by governor.	R. S. 1897, Sec. 3547.
NEW YORK	Prison chaplain to attend to spiritual wants of prisoners.	R. S. 1909, C. 47, Sec. 292.
NORTH CAROLINA	\$50 appropriation annually for Sunday-school.	R. S. 1908, C. 116, Sec. 5405.
NORTH DAKOTA	Warden to employ resident clergymen of Bismarck to officiate in turn; compensation \$5.00 per week.	R. S. 1905, Sec. 10352.
OHIO	\$400 appropriation for religious services and library at penitentiary. Warden to furnish each convict with a Bible.	Acts of 1910, H. B., No. 536. R. S. 1910, Sec. 2185.
OKLAHOMA	Convicts to be supplied with Bibles. Chaplain whose salary shall be \$900 per year.	R. S. 1903, Art. 23, Sec. 5720. Laws of 1909, C. 31.
PENNSYLVANIA	Eastern Penitentiary—Moral instructor. Western Penitentiary—Non-sectarian religious services.	R. S. 1903, Page 3497, Sec. 58. R. S. 1903, Page 3497, Sec. 59.
RHODE ISLAND	Prison chaplain to perform religious services and act as agent for procuring employment for prisoners on release.	R. S. 1909, C. 360, Sec. 15.
SOUTH CAROLINA	Prison chaplain to give religious instruction to prisoners. Sunday-school at reformatory.	R. S. 1912, Secs. 960-961.
TENNESSEE	Religious services on Sunday. Bibles and other moral books to be furnished to convicts.	R. S. 1896, Title 7, Art. 4, Sec. 7530. R. S. 1896, Title 7, Art. 4, Secs.
TEXAS	Religious services at prisons, farms and camps; prisoners to attend at least two such services per month.	R. S. 1911, Sec. 6204.

UTAH	Religious services as board deems wise.	R. S. 1907, C. 10, Sec. 2264.
VERMONT	Prison chaplain appointed by board.	R. S. 1906, Title 30, C. 260, Sec. 5993.
WASHINGTON	Prison chaplain appointed by governor.	R. S. 1910, Title 78, C. 2, Sec. 8532.
WISCONSIN	Both Protestant and Catholic chaplains.	R. S. 1898, C. 201, Sec. 4905.
WYOMING	Prison chaplain to have charge of moral welfare of the prisoners.	R. S. 1910, C. 41, Sec. 528.

3. Moral Education.

(a) Good conduct awarded by reduction of the time of confinement.

(A) When permitted:			(B) When forfeited:		
ALABAMA	By order of Governor. 2 mos. from each of 1st 2 years. 3 mos. from each of next 2 years. 4 mos. from each of next 2 years. 5 mos. from each of next 2 years. 6 mos. from each year after the 8th. If sentence is less than 2 years and more than 6 mos. pro rata deduction. No deduction when sentence is under 6 mos.	R. S. 1907, Sec. 7514.	ALABAMA	Convict convicted a second time for crime involving moral turpitude; convict who escapes.	R. S. 1907, Sec. 7514.
ARIZONA	2 mos. from each of 1st 2 years. 4 mos. from each of next 2 years. 5 mos. from remaining years. Similar deductions in California and Oregon.	R. S. 1901, Title 56, C. 2, Sec. 3589.	ARIZONA	Convict assaulting fellow convict, guard, etc.	R. S. 1901, Sec. 3589.
ARKANSAS	1 mo. from 1st year. 2 mos. from 2nd year. 3 mos. from 3rd to 10th years. 6 mos. from succeeding years.	R. S. 1904, Sec. 5904.	ARKANSAS	Convict who escapes or attempts escape forfeits all good time. Convict violating prison rules so as to be corrected three times forfeits all good time.	R. S. 1904, Sec. 5905.

(A) When permitted:

CALIFORNIA	2 mos. from each of 1st 2 years.	Penal Code 1909, Sec. 1588.
	4 mos. from each of next 2 years.	
	5 mos. from remaining years.	
	Similar provisions in Arizona and Oregon.	
	County convicts 5 days per mo.	R. S. 1909, Sec. 1614.
COLORADO	1 mo. from 1st year.	R. S. 1908, C. 108, Sec. 4871.
	2 mos. from 2nd year.	
	3 mos. from 3rd year.	
	4 mos. from 4th year.	
	5 mos. from 5th year.	
	6 mos. from succeeding years.	
	Similar provisions in Idaho and New Mexico.	
	Extra deduction for convicts engaged in road work, conditioned on good behavior and cheerful compliance with all rules.	Laws of 1905, S. B. 224.
	60 days from each of 1st 5 years if sentence be 5 years or less.	R. S. 1902, Sec. 2900.
	90 days from each year if sentence be over 5 years.	
CONNECTICUT	County convicts. 5 days from each mo. if sentence is over 3 mos.	R. S. 1902, Sec. 2956.
	5 days from each month during 1st year.	Acts of 1898, C. 247.
DELAWARE	7 days from each month from 2nd year.	
	9 days from each month 3rd year.	

(B) When forfeited:

CALIFORNIA	Convict who violates prison rules, assaults guard, fellow convict etc. shall forfeit such portion of gain time as Board directs.	Penal Code 1909, Sec. 1588.
COLORADO	Convict who violates rules.	R. S. 1908, Sec. 4872.
CONNECTICUT	Loss of all or part of time for refusal to conform with regulations. This provision does not apply when sentence is less than one year.	R. S. 1902, Sec. 2900.
DELAWARE	For every violation of rules convict forfeits all gained time.	R. S. 1898, C. 247, Sec. 5.

(A) When permitted:			(B) When forfeited:		
	10 days from each month each succeeding year.				
FLORIDA	2 days from 1st mo.	R. S. 1906, Title 4, Art. 6, Sec. 4140.	FLORIDA	Violation of rules causes forfeiture of gain time.	R. S. 4140.
	13 days from 1st 3 mos.				
	25 days from 1st 6 mos.				
	1 mo. and 3 days from 1st 8 mos.				
	1 mo. and 21 days from each year.				
GEORGIA	2 mos. from 2nd year.	R. S. 1911, Sec. 1221.	GEORGIA	Only applied to convicts not sentenced for life and who observe rules.	Sec. 1221.
	3 mos. from each year until the 10th.				
	4 mos. from remaining years.				
	County convicts 4 days from each month.	R. S. 1911, Sec. 1179.			
IDAHO	1 mo. from 1st year.	R. S. 1908, Sec. 8504.	IDAHO	Convict who escapes, attempts escape, or injures guard forfeits all good time.	R. S. 1908, Sec. 8504.
	2 mos. from 2nd year.				
	3 mos. from 3rd year.				
	4 mos. from 4th year.				
	5 mos. from 5th year.				
	6 mos. from succeeding years.				
	Similar deductions in Colorado and New Mexico.				
ILLINOIS	1 mo. from 1st year.	R. S. 1909, C. 108, Sec. 45.	ILLINOIS	For 1st violation of rules convict forfeits 2 days; for second offense 4 days; for third eight days; for fourth sixteen days; for more than 4 offenses warden may deprive him of such portion as he deems wise; convict also forfeits number of days he is in punishment.	R. S. 1909, C. 108, Sec. 46.
	2 mos. from 2nd year.				
	3 mos. from 3rd year.				
	4 mos. from 4th year.				
	5 mos. from 5th year.				
	6 mos. from succeeding years.				

(A) When permitted:

INDIANA	1 mo. from 1st year.	R. S. 1908, Sec. 9886.
	2 mos. from 2nd year.	
	3 mos. from 3rd year.	
	4 mos. from 4th year.	
	5 mos. from 5th year.	
	5 mos. from 5th to 21st years.	
IOWA	1 mo. from 1st year.	R. S. 1897, Title 26, C. 2, Sec. 5703.
	2 mos. from 2nd year.	
	3 mos. from 3rd year.	
	4 mos. from 4th year.	
	5 mos. from 5th year.	
	6 mos. from 6th to 25th years.	
	Similar provisions in Montana, Wisconsin, Wyoming.	
KANSAS	3 days each mo. from 1st year.	R. S. 1909, Sec. 8581.
	6 days each mo. from 2nd year.	
	8 days each mo. during remainder of sentence.	
	7 days from each mo. Similar provisions in Maine.	R. S. 1909, C. 97, Sec. 3801.
LOUISIANA	Board of control to make rules for commutation of sentences.	R. S. 1908, page 623, Sec. 6.
	½ commutation to second terms; none to third terms.	
	Jail prisoners one-sixth of sentences.	R. S. 1908, page 623, Sec. 6.

(B) When forfeited:

INDIANA	For 1st offense 2 days; for 2nd 4 days; 3rd 8 days; 4th 16 days; and for more than 4 offenses warden may use judgment. If first offenses are serious warden may deprive him of more than time specified.	R. S. 1908, C. 124, Sec. 9887.
IOWA	1st offense 2 days; 2d offense 4 days; 3rd offense 8 days; 4th offense 16 days. In addition thereto days he is in punishment. For more than 4 offenses warden, with approval of governor, may use judgment as to depriving him of all or part of gain time.	R. S. 1897, Title 26, C. 2, Sec. 5704.
KANSAS	All or part of good time.	R. S. 1909, C. 108, Art. 30, Sec. 8581.

(A) When permitted:

MAINE	7 days from each month. Does not apply to life prisoners. Similar provisions in Kentucky.	R. S. 1903, C. 141, Sec. 15.
MARYLAND	5 days from each mo.	R. S. 1904, Art. 27, Sec. 474.
MASSACHUSETTS	1 day per mo. if sentence be 4 mos. and less than 1 year. 3 days per mo. from 1st to 3rd years. 4 days per mo. from 3rd to 5th years. 5 days per mo. from 5th to 10th years. 6 days per mo. from succeeding years.	R. S. 1902, C. 225, Sec. 113.
MICHIGAN	5 days per mo. from 1st 2 yrs. 6 days per mo. from 2nd 2 yrs. 7 days per mo. from 3rd 2 yrs. 9 days per mo. from 7th, 8th and 9th yrs. 10 days per mo. from 10th to 14th yrs. 12 days per mo. from 15th to 19th yrs. 15 days per mo. from succeeding yrs.	R. S. 1897, C. 75, Sec. 33.
MINNESOTA	5 days per mo. during 1st yr. 7 days per mo. during 2nd yr. 9 days per mo. during 3rd yr. 10 days per mo. during remainder of sentence.	R. S. 1905, C. 105, Sec. 5445.

(B) When forfeited:

MARYLAND	All good time in mos. delinquency accrues to be forfeited; according to nature of offense, board may deduct good time.	R. S. 1904, Art. 27, Sec. 474.
MASSACHUSETTS.	Forfeiture for violation of rules.	R. S. 1902, C. 225, Sec. 113.
MICHIGAN	For violation of rules or attempt to escape.	R. S. 1897, C. 75, Sec. 33.
MINNESOTA	Only granted if convict passed entire time without violation of rules.	R. S. 1909, C. 105, Sec. 5445.

(A) When permitted:

MISSISSIPPI	For efficient service, board may allow county convicts $\frac{1}{4}$ time.	R. S. 1905, C. 22, Sec. 842.
MISSOURI	Convict serving $\frac{3}{4}$ of time in exemplary manner shall be discharged in same manner as if he had been pardoned. In such cases no pardon from the Governor is necessary.	R. S. 1909, Art. 19, Sec. 1656.
MONTANA ³	1 mo. from 1st year. 2 mos. from 2nd year. 3 mos. from 3rd year. 4 mos. from 4th year. 5 mos. from 5th year. 6 mos. from 6th to 25th year. Similar provisions in Iowa, Wisconsin and Wyoming.	R. S. 1907, Sec. 9737.
NEBRASKA	2 mos. from 1st and 2nd years. 3 mos. from 3rd year. 4 mos. from succeeding years. Similar provisions in Nevada.	R. S. 1911, Sec. 2737.
NEVADA	2 mos. from 1st and 2nd years. 3 mos. from 3rd year. 4 mos. from succeeding years. Similar provisions in Nebraska. Additional deduction of 10 days each mo. for good conduct on road work. County convicts allowed deduction of 5 days for each mo.	R. S. 1912, Sec. 7581. Laws of 1911, C. 71. R. S. 1912, Sec. 7622.

(B) When forfeited:

MONTANA	Good time conditioned on good behavior and regular labor during good health.	R. S. 1907, Sec. 9737.
NEBRASKA	Good time conditioned on good conduct and faithful, orderly and peaceful performance of duties; misconduct can cause loss of 75 per cent. of time gained.	R. S. 1911, Secs. 2737-8.
NEVADA	Forfeited by assault on keeper or other violation of rules.	Sec. 7581.

(A) When permitted :

NEW HAMPSHIRE	1 day per mo.	R. S.
	if sentence be 2	1901,
	years or less.	C. 285.
	2 days per mo.	Sec. 14.
	if sentence be 3	
	years.	
	3 days per mo.	
	if sentence be 4	
	years.	
	4 days per mo.	
	if sentence be 5	
	years.	
	5 days per mo.	
	if sentence be	
	from 5 to 7 years.	
NEW JERSEY	6 days per mo.	
	if sentence be	
	from 6 to 10	
	years.	
	7 days per mo.	
	if sentence be	
	from 10 to 15	
	years.	
	8 days per mo.	
	if sentence be	
	from 15 to 20	
	years.	
	10 days per	
	mo. for any other	
	time but life im-	
	prisonment.	
NEW JERSEY	2 days for each	R. S.
	mo. of faithfully	1910,
	performed labor.	Page
	2 days for each	4916,
	mo. of orderly	Art. 10.
	department.	
	2 days for each	
	mo. of manifest	
	effort at intellect-	
	ual improvement	
	to be certified by	
	moral instructor.	
	Additional	R. S.
	good time of 1	1891,
	day per mo. for	Page
NEW MEXICO	1st year of good	498,
	conduct.	Art. 2.
	For each suc-	
	ceeding year of	
	good conduct	
	commutation to	
	increase progres-	
	sively one day	
	per mo.	
	1 mo. from 1st	R. S.
	year.	1897,
	2 mos. from	Sec.
	2nd year.	3536.
	3 mos. from	
	3rd year.	

(B) When forfeited :

NEW JERSEY	For flagrant	R. S.
	misconduct. In-	1910,
	spectors may de-	Page
	clare a forfeiture	4916,
	of the whole or	Sec. 10.
	part of time pre-	
	viously gained.	
NEW MEXICO	Good time de-	R. S.
	pendent on good	1897,
	conduct through	Sec.
	whole time of	3536.
	sentence and	
	final pardon by	
	governor.	

(A) When permitted:

4 mos. from
4th year.

5 mos. from
5th year.

6 mos. from
succeeding years.

Similar provisions in Colorado
and Idaho.

NEW YORK

5 days per mo. if sentence be
less than 1 year. Laws of
1912,
Cha. 79.

2 mos. from
1st and 2nd years.

4 mos. from
3d and 4th years.

5 mos. from
each subsequent
year.

Applicable to
convicts confined
under definite
sentences, when
term equals 6
mos.; not appli-
cable to life sen-
tences.

NORTH
CAROLINA

5 days for each
mo.; for every
10 days thus
earned further
reward of \$1.00;
for every \$5.00
thus earned
further deduc-
tion of 5 days.

R. S.
1908,
C. 116,
Sec.
5402.

NORTH
DAKOTA

2 mos. from
1st to 3rd years.

75 days from
3rd to 5th year.

3 mos. from
5th to 7th year.

105 days from
7th to 11th year.

4 mos. each
year during re-
mainder of sen-
tence.

Further com-
mutation, at dis-
cretion of Gov-
ernor, upon
recommendation
in writing by
board of trustees,
may be allowed
to convict who
surpasses the
average inmates
in diligence in
study or labor or
in good behavior
or otherwise.

R. S.
1905,
C. 17,
Art. 6.

(B) When forfeited:

NORTH
CAROLINA

Convict as-
saulting prison
officer or taking
part in insurrec-
tion or attempt-
ing escape for-
feits all good
time.

R. S.
1908,
C. 116,
Sec.
5402.

NORTH
DAKOTA

For infraction
of rules convict
may be deprived
of gain time.

R. S.
1905,
Art. 6,
C. 17.

(A) When permitted:			(B) When forfeited:		
OHIO	5 days from sentence of 1 year.	R. S. 1910, C. 2, Sec. 2163.	OHIO	Commutation dependent on entire time being passed without violation of rules.	R. S. 1910, C. 2, Sec. 2163.
	6 days from sentence of 2 years.				
	8 days from sentence of 3 years.				
	9 days from sentence of 4 years.				
	10 days from sentence of 5 years.				
	11 days from sentence of 6 or more years.				
	If sentence be mos. or fraction of a year the deduction as provided for year next higher than maximum sentence.				
OREGON	2 mos. from each of 1st 2 years.	R. S. 1910, C. 13, Sec. 4510.	OREGON	All credits may be forfeited in case of failure to work.	R. S. 1910, Sec. 4516.
	4 mos. from each of next 2 years.			Misconduct forfeits all good time earned previously.	R. S. 1910, Sec. 4512.
	5 mos. from remaining years.				
	Similar provisions in Arizona and California.				
	Life prisoners who have earned $\frac{2}{3}$ of time during first 5 years, $\frac{3}{4}$ of time during second 5 years, $\frac{7}{8}$ of time during third 5 years may be pardoned by the Governor at the end of 15 years.	R. S. 1910, C. 13, Sec. 4514.			
PENNSYLVANIA	1 day from 1st month; 2 additional days from 2nd mo.; 3 additional days from each succeeding month of first year. 4 days per mo. from 2nd to 10th years; 2 days per mo. from succeeding years.	R. S. 1907, Page 3496, Sec. 54.	PENNSYLVANIA	For infraction of rules inspectors may strike off whole or part of gain time.	R. S. 1907, Page 3486, Sec. 54.

(A) When permitted:			(B) When forfeited:		
RHODE ISLAND	For 1 mo. of good behavior Governor, upon recommendation of Board, may deduct number of days there are years in sentence, provided that if sentence be over 5 years, only 5 days shall be deducted from the month.	R. S. 1909, C. 360, Sec. 31.	RHODE ISLAND	Every day convict is shut up or punished one day is deducted from good time.	R. S. 1909, C. 360, Sec. 31.
SOUTH DAKOTA	2 mos. from 1st to 3rd years. 3rd yr. 3 mos. 4th to 10th yrs. 4 mos.; 10th to 20th yrs. 5 mos.; succeeding years 6 mos.	R. S. 1910, Sec. 686.	SOUTH DAKOTA	For infraction of rules good time is forfeited.	R. S. 1910, Sec. 686.
TENNESSEE	1 mo. from 1st year. 2 mos. from 2nd year. 3 mos. from each subsequent year until the 10th. 4 mos. from each remaining year. County convicts—Deduction at discretion of Board of County Commissioners.	R. S. 1896, Title 7, Art. 2, Sec. 7482. R. S. 1896, Sec. 7423.	TENNESSEE	Good time dependent on proper demeanor. If prisoner escapes he forfeits all good time.	R. S. 1896, Title 7, Art. 2, Sec. 7482. R. S. 1896, Title 7, Art. 2, Sec. 7423.
UTAH	15 days from sentence of 3 mos. 30 days from sentence of 6 mos. 2 mos. from 1 year. 3 mos. from 2 years. 4 mos. from 3 years. 5 mos. from 4 years. 6 mos. from 5 years. From all time in excess of 5 years half-time shall be deducted.	R. S. 1907, Sec. 1686, X. 14.	UTAH	For any infraction of rules convict may be deprived of all or any portion of good time.	R. S. 1907, Title 57, Sec. 1686, X. 16.

(A) When permitted:			(B) When forfeited:		
VERMONT	5 days from each mo. of good conduct.	R. S. 1906, C. 261, Sec. 6088.	VERMONT	Good time reduced five days for each mo. in which convict misbehaves.	R. S. 1906, C. 261, Sec. 6088.
VIRGINIA	4 days from each mo. of good conduct, with approval of Governor. County convicts 4 days allowed for each mo. of good conduct on road or quarry force.	R. S. 1904, Title 55, Sec. 4144. Laws of 1910, C. 217.			
WASHINGTON	2 mos. from 1st 2 years. 4 mos. from next to 2 years. 5 mos. from succeeding years.	R. S. 1910, Sec. 8521.	WASHINGTON	For violation of rules.	R. S. 1904, Sec. 8521.
WISCONSIN	1 mo. from 1st year. 2 mos. from 2nd year. 3 mos. from 3rd year. 4 mos. from 4th year. 5 mos. from 5th year. 6 mos. from 6th to 25th year. Similar provisions in Iowa, Montana and Wyoming.	R. S. 1889, Sec. 4928.	WISCONSIN	Forfeiture of 5 days for 1st offense; 10 days for 2nd offense; 20 days for subsequent offenses.	R. S. 1889, Sec. 4928.
WYOMING	1 mo. from 1st year. 2 mos. from 2nd year. 3 mos. from 3rd year. 4 mos. from 4th year. 5 mos. from 5th year. 6 mos. from 6th to 25th year. Similar provisions in Iowa, Montana, Wisconsin. Pro rata for part of a year.	R. S. 1910, C. 41, Sec. 522.	WYOMING	For violation of rules.	R. S. 1910, C. 41, Secs. 523-4.

(b) *Good conduct is rewarded by special favor.*

(A) When permitted:		(B) When forfeited:	
ARKANSAS	Tobacco not exceeding one pound per month.	R. S. 1904, Sec. 5920.	
MARYLAND	Good conduct to be reported officially to the Board. Not to include hope of pardon.	R. S. 1904, Art. 27, Sec. 593.	
		NEVADA	Loss of outdoor privilege is the maximum punishment for prisoners employed on road work Laws of 1911, C. 71.
NEW HAMPSHIRE	Warden, with consent of governor and council, may offer suitable encouragement and indulgences to convicts distinguishing themselves by obedience, industry and faithfulness.	R. S. 1901, C. 285, Sec. 15.	
OHIO	Board of Managers of Reformatory to arrange a system of marks or otherwise to determine credit earned by prisoner, as to increased privileges or release from control. Prisoner to learn standing once a month.	R. S. 1910, Sec. 2159.	
PENNSYLVANIA	Tobacco to a limited extent.	R. S. 1907, Page 3494, Sec. 45.	
SOUTH DAKOTA	Moderate allowance of tea or tobacco.	R. S. 1910, Sec. 676.	
TENNESSEE	Moderate amount of chewing tobacco to convicts accustomed to use of same.	R. S. 1896, Title 7, Art. 4, Sec. 7534.	

(A) When permitted:		(B) When forfeited:
WISCONSIN	Moderate allowance of tobacco or tea as a reward for industry or good behavior.	R. S. 1898, Sec. 4902.

(c) *Prisoner's grading is the outward expression of his reported rating.*

(A) When allowed:		(B) When forfeited:
ALABAMA	Convicts graded when hired for mine work; grading permissible for other work.	R. S. 1907, Sec. 6530.
CALIFORNIA	Warden to grade and classify convicts and clothe them so grades may be distinguishable.	Penal Code, 1909, Sec. 1578, P. 5.
IDAHO	Prisoners to be divided into three grades. No one to be paroled until he has served 6 mos. in first grade. Prisoners in second and third grades to be deprived of such privileges as Board directs.	R. S. 1908, Part 2, Title 10, Sec. 8264.
ILLINOIS	First class, corrigible, likely to observe the laws, and maintain themselves by honest industry after discharge; second class incorrigible but competent to labor; third class incorrigible and so incompetent as to seriously interfere with the work and discipline of the penitentiary.	R. S. 1909, C. 108, Sec. 78.
LOUISIANA	Board to make rules for grading and classifying the prisoners according to most modern and enlightened system of reformation.	Laws of 1900, No. 70, Sec. 6.

(A) When permitted:

MASSACHUSETTS	According to conduct, industry and diligence in study.	R. S. 1902, C. 225, Sec. 15.
MICHIGAN	First class corrigible; second class incorrigible but competent to labor; third grade incorrigible and incompetent.	R. S. 1897, Sec. 2103.
MISSISSIPPI	First class convicts, male and female, over 18 and under 55.	R. S. 1906, C. 22, Sec. 844.
NEVADA	First grade, those appearing corrigible. Second grade, those appearing incorrigible but competent to work. Third grade, those appearing incompetent and incorrigible. Garb of first grade, one color throughout. Garb of second grade, prison stripes. Garb of third grade, trousers of prison stripes and red shirts.	R. S. 1912, Sec. 7583.
NEW YORK	First grade, corrigible and likely to observe laws. Second grade, incorrigible, but competent and not likely to interfere seriously with prison discipline. Third grade, incorrigible and incompetent. Superintendent of state prisons to make promotions and reductions from one grade to another.	Prison Law, 1909, C. 47, Sec. 148-9.
OHIO	Grading for employment, etc.	R. S. 1910, Div. 4, C. 2, Sec. 2159.

(B) When forfeited:

MICHIGAN	Reduction to lower grade for misconduct.	R. S. 1897, C. 75, Sec. 24.
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	(A) When permitted:	(B) When forfeited:
TEXAS	Prison Commission to classify all prisoners. First class—first offenders; second class—less corrigible but content to work; third class—appearing incorrigible. Prisoners to be promoted and reduced from one grade to another. Uniforms of first two grades not stripes. Special privileges to different grades.	R. S. 1911, C. 28, Sec. 1609.
UTAH	Board to classify prisoners. First grade—those appearing corrigible; second grade—incorrigibles who are competent and not likely to interfere with productiveness of labor. Third grade—incorrigibles and incompetents who will interfere with labor. Promotion and reduction from one grade to another.	R. S. 1907, Title 74, C. 10, Sec. 2242.

(d) *Reward of money wage, the use of which is regulated so as to increase moral incentive.*

	(A) When permitted:	(B) When forfeited:
CALIFORNIA	County court may decree that prisoners work on roads; Board to allow wife or children or guardians of latter not exceeding \$1.50 for each day's labor.	Laws of 1911, C. 379.
COLORADO	Earnings, after cost of maintenance and retention is deducted, to be given to family or dependents, or if there be none such, accumulated until time of discharge.	R. S. 1908, Sec. 4882.

(A) When permitted:

	County prisoners, one-half net earnings after the deduction of expenses for guarding, to be paid dependents likely to become a public charge.	Laws of 1911, C. 130.
ILLINOIS	In no case shall earnings exceed 10 per cent. of the earnings of the penitentiary or reformatory. Earnings may be used for family or to purchase books, etc., and may be bequeathed by will.	R. S. 1909, C. 108, Sec. 91.
KANSAS	Five per cent. of each day's earnings—earnings being computed at 75 cents. Reformatory prisoners, first grade 3 cents per day; second grade 2 cents per day. Earnings funded until release.	R. S. 1909, Sec. 8588.
	Convict may cause earnings, in excess of earnings for one year, to be sent to family or expended in such way as warden approves.	R. S. 1909, Sec. 8589.
KENTUCKY	Board to place to credit of prisoner such amount of average per capita earnings as Board deems just—earnings not to exceed 20 per cent. of average per capita earnings. Earnings may go to family or be paid prisoner, but 25 per cent. must be funded until release.	Laws of 1910, C. 15.

(B) When forfeited:

ILLINOIS	Violation of rules causes forfeiture of 50 cents for each day of good time lost.	R. S. 1909, C. 108, Sec. 91.
KANSAS	For violation of rules warden or directors may forfeit the whole or any part of convict's earnings.	R. S. 1909, C. 108, Art. 30, Sec. 8588.
KENTUCKY	Warden by way of punishment with approval of Board, may cancel or distribute to family such portion of earnings as he deems best.	Laws of 1910, C. 15.

(A) When permitted:		
LOUISIANA	Convicts on roads or farms; first class \$5 to \$15 per month; second class \$2 to \$10 per month.	R. S. 1904, Page 1313, Sec. 8.
MAINE	County prisoners—Commissioners send order weekly upon treasury for number of days' work done by prisoner—earnings for family. Any person awaiting sentence in jail where labor is provided shall receive such sum as in the judgment of the county commissioners he has earned.	Laws of 1911, C. 144. R. S. 1903, C. 82, Sec. 42.
MARYLAND	Earnings of prisoner in House of Correction may be sent to family.	R. S. 1904, Art. 27, Sec. 473.
MASSACHUSETTS	In cases of desertion and non-support, the court imposing sentence may if he finds destitution amongst the dependents order that 50 cents for each day's hard labor performed by the prisoner be paid for their relief.	Laws of 1911, C. 456, Sec. 8.
MISSISSIPPI	County convicts; first class from \$5 to \$15 per month; second class from \$2 to \$10 per month. Board may designate higher wages on account of the skill in individual cases.	R. S. 1906, C. 22, Sec. 845.

(B) When forfeited:

(A) When permitted:

MISSOURI	Five per cent of daily earnings to be set aside at end of quarter; warden to keep accurate account of number of days' work done by prisoner; sum of \$15 must accumulate for each prisoner after release from penitentiary unless the 5 per cent amount to less; balance may be used for family, provided warden ascertains it is destitute, or for personal necessities not provided by the institution. All earnings of life prisoners go to family; gross earnings of life prisoner without family go to institution.	R. S. 1909, Art. 19, Secs. 1618-19-20.
NEVADA	Twenty-five cents a day to convicts engaged in road work.	Laws of 1911, C. 71.
NEW HAMPSHIRE	County convicts at end of sentence receive 25 per cent of amount of their labor; sheriff to keep itemized account showing earnings and expenses.	R. S. 1901, C. 283, Sec. 17.
NEW YORK	Compensation not to exceed 10 per cent of the earnings of the prison to be distributed among the prisoners; agent and warden to grade compensation, basing it on pecuniary value of work and on willingness, industry and good conduct.	Prison Law 1909, C. 47, Art. 6, Sec. 185.

(B) When forfeited:

NEVADA		Laws of 1911, C. 71.
NEW YORK	When prisoner forfeits good time he forfeits 50 cents per day.	R. S. 1909, C. 43, Art. 9, Sec. 185.

(A) When permitted :

	Earnings may be used for family or to buy books, instruments and instruction not supplied by institution; they may not be used for food, clothing or ornament.	Prison Law 1909, C. 47, Sec. 187.
NORTH CAROLINA	One dollar allowed for every ten days of good time earned. Money may be sent to family if prisoner desires. Directors to make regulations for reasonable amount of money to be given convict as reward for good conduct.	R. S. 1908, C. 116, Secs. 5402-3.
NORTH DAKOTA	Money reward may be given convict who surpasses the average inmates in good behavior, diligence, in study, labor or otherwise, at discretion of governor, upon recommendation of Board of Trustees.	R. S. 1905, Sec. 10358.
OHIO	Board may credit prisoners with such part of earnings, not exceeding 20 per cent of receipts, as seems equitable and just, taking into consideration character and nature of crime and deportment. Funds may be paid prisoner or family, according to judgment of Board. At least 25 per cent must be kept for prisoner on release. Life prisoners receive at most 5 cents per day.	R. S. 1910, C. 2, Sec. 2208.

(B) When forfeited :

OHIO	Board may use judgment as to cancelling earnings.	R. S. 1910, Sec. 2164.
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(A) When permitted:

(B) When forfeited:

	Board of Managers of penitentiary to which prisoner is sentenced under Employers' Liability Law to pay him 40 cents per working day during period of confinement.	Laws of 1911, Sec. 13019.
OREGON	Fifty cents per merit mark allowed to each convict on discharge.	R. S. 1910, C. 4516.
PENNSYLVANIA	Quarterly wages equal to amount of earnings, fixed from time to time by authorities, from which board, lodging and cost of trial shall be deducted. Balance paid dependents or funded until release.	R. S. 1907, Page 3487, Sec. 4.
RHODE ISLAND	Board may, on discharge, pay convict sum of money not exceeding one-tenth of his actual earnings; in case of sickness Board may also pay one-tenth average earnings of convict labor. In no case is sum to be less than \$5.00.	R. S. 1909, C. 360, Sec. 42.
SOUTH DAKOTA	Money reward may be given convict who surpasses the average inmates in good behavior, diligence, in study, labor or otherwise, at discretion of governor, upon recommendation of Board of Trustees.	R. S., 1905, C. 17 Sec. 699.

OREGON	Money credits subjected to forfeiture of the cost price of tools and materials which have been injured or wasted through carelessness or neglect of convict.	R. S. 1910, Sec. 4516.
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(A) When permitted:			(B) When forfeited:		
UTAH	Unmarried	R. S.			
	prisoners not exceeding 10 per cent of earnings on discharge.	1907, Title 57, Sec. 2260.			
VERMONT	Married prisoners not exceeding 25 per cent to go to families.		VERMONT	Loss of \$1.00 for each mo. in which convict commits misdemeanor.	R. S. 1906, C. 261. Sec. 6088.
	If they have no dependents they are credited as unmarried.				
WISCONSIN	If poor and needy, prisoner to be paid on discharge, \$1 for each day's work during sentence.	R. S. 1906, C. 261, Sec. 6088.			
	Payment not to exceed \$100.				
WYOMING	For extra good conduct Board may allow money compensation.	R. S. 1889, Sec. 4942.	WYOMING	Fines as a substitute for punishment, not to exceed 50 cents a day.	Laws of 1911, C. 61.
	Prisoners in the discretion of the Commission receive a graded compensation, in no case more than 10 per cent of earnings of institution. Surplus earnings go to family, are never to be used in buying commissary, but the balance paid on release subject to draft.	Laws of 1911, C. 61.			

(c) *Reward of wage for overtime work.*

(A) When permitted:			(B) When forfeited:		
ALABAMA	After performance of daily task; manner prescribed by Board; proceeds disposed of as Board shall provide by rule.	Laws of 1907, Sec. 6531.			
DELAWARE	Earnings may go to family, be used to purchase articles permitted in the prison, or be funded until discharge.	Laws of 1898, C. 247. Sec. 5.			

(A) When permitted:

(B) When forfeited:

MICHIGAN	<p>Prisoners working on public account may receive wages not to exceed 10 per cent of the profits realized upon actual collections from the sale of the product of the plant.</p>	<p>Laws of 1907, No. 291.</p>
	<p>Wages are paid convicts in the wisdom of the Board; a limit of 15 cents a day is set.</p>	<p>Laws of 1911, No. 239.</p>
MISSOURI	<p>Convict is tasked for reasonable amount and allowed wage for overtime at rate allowed state. If on any day convict cannot accomplish full task no deduction shall be made from any over work performed on any other day. Overtime pay may be drawn for purchase of books, etc., to be purchased by warden or chaplain at lowest cash price without commission. Inspectors may upon recommendation of warden at end of each month place to credit of convict not guilty of misdemeanor and who has lost no time during month such limited amount as will encourage a more cheerful performance of work, subject to same rules as applied to over work.</p>	<p>R. S. 1909, Sec. 1623.</p>

	(A) When permitted:	(B) When forfeited:
VIRGINIA	Convicts to be tasked; a reasonable amount, determined by superintendent, to be paid on discharge, or to family, or to be used for provisions and other articles selected from a standing list and charged to convict at cost.	R. S. 1904, Title 55, Sec. 4173.

(b) *Reward of assistance to prisoner's family.*

	(A) When permitted:	(B) When forfeited:
MICHIGAN	Managers of Detroit House of Correction and State Prisons to pay over to superintendents of poor of city or county in which wife and children of prisoners live, \$1.50 per week for each child under 15.	Acts of 1907, No. 144.
MINNESOTA	Reformatory Board may make provision for moderate assistance to families of convicts to be paid from current expense fund of institution.	R. S. 1905, C. 105, Sec. 5459.
MISSOURI	County court to appropriate from county treasury amount not exceeding \$12,000 per year for the partial support of widows or wives of prisoners who are poor and have children under 14; such allowance not to exceed \$10 per month if there be one child; \$15 per month if more; children	Acts of 1910, H. B. 626.

(A) When permitted:

to live with mother who would otherwise be obliged to live away from them. Woman must be mentally, morally and physically able to bring up her children.

NEW JERSEY	Prisoners' families dependent on charity relieved by Commissioner of Charities at the rate of 50 cents for every day the prisoner works. The relief fund limited to 5 per cent of the value of all goods produced.	Laws of 1911, S. B. 150.
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(B) When forfeited:

4. General Education.

(a) Prison schools are provided:

ARKANSAS	Chaplain to establish a night school for young convicts and instruct them in studies arranged by board.	R. S. 1904, C. 123, Sec. 5893.
GEORGIA	Reformatory prisoners to receive instruction in elementary branches and manual training.	R. S. 1911, Sec. 1243.
ILLINOIS	Chaplain to give instruction in such English branches as warden feels will be of benefit between 6 and 9 P. M. daily.	R. S. 1909, Page 1670, Sec. 23.
INDIANA	Instruction of an educational and technical nature as shall be to the best interest of the inmates. Trade schools at the reformatory.	R. S. 1908, Sec. 9844. R. S. 1908, Sec. 9905.
IOWA	Chaplain to give instruction in ordinary branches of English to illiterate convicts. Reformatory prisoners to be employed in trades conducive to intellectual and moral development.	R. S. 1897, Title 26, C. 2, Sec. 5671. R. S. 1897, Sec. 2706.
KANSAS	Chaplain to teach convalescents and others whose task is performed within less than required hours of labor and who wish to avail themselves of his assistance in acquiring an elementary education.	R. S. 1909, C. 108, Sec. 8577.
KENTUCKY	Convicts to be trained in common branches of English and in some trade, industry or handicraft; common schools and trade schools to be maintained for the purpose.	Laws of 1910, C. 15.

MAINE	Inspectors to establish rules for the instruction of convicts.	R. S. 1903, Title 12, C. 141, Sec. 11.
MASSACHUSETTS	\$2,000.00 appropriation annually for prison schools.	R. S. 1902, C. 224, Sec. 73.
MICHIGAN	A school to be maintained in each prison.	R. S. 1897, Sec. 2134.
NEW JERSEY	Board of inspectors to equip school and have control and supervision thereof, to appoint teachers who must have certificate prescribed by State Board of Education, and must not be inmates of the prison. Studies to be the same as those in public schools.	R. S. 1910, Page 4927, Secs. 69-76.
	Moral instructors to devote their entire time to work.	R. S. 1910, Page 4914, Sec. 7.
NEW YORK	Under supervision of the chaplain.	R. S. 1909, C. 47, Sec. 139.
TENNESSEE	Chaplain to instruct those under 16 and older if they desire 2 hours per week.	R. S. 1896, Title 7, C. 2, Sec. 7509.
TEXAS	Prisoners to be taught elementary branches of English.	R. S. 1911, Sec. 6203.
VERMONT	Educational instruction to be given.	R. S. 1906, Title 33, C. 261, Secs. 6072-73.
UTAH	Schools to be conducted in the prison.	R. S. 1907, C. 10, Sec. 2279.
WISCONSIN	Chaplain to conduct school for three hours one day per week.	R. S. 1898, C. 201, Sec. 4905.
(b) <i>Prison Libraries are provided:</i>		
ALABAMA	Appropriation of \$500.00 per year for books.	R. S. 1907, C. 191, Sec. 6539.
ARKANSAS	Chaplain in charge of library.	R. S. 1904, C. 123, Sec. 5893.
CONNECTICUT	Appropriation of \$500 annually for library purposes.	R. S. 1902, C. 176, Sec. 2922.
COLORADO	Warden to act as librarian.	R. S. 1908, C. 108, Sec. 4847.
IDAHO	Appropriation of \$75 per annum; warden to purchase books and report to Governor annually the effect upon conduct, mental and moral improvement of the prisoners.	R. S. 1908, Part 3, Title 2, Sec. 8510.
ILLINOIS	Chaplain to take charge of library.	R. S. 1909, Page 1670, Sec. 23.
MAINE	Appropriation of \$50 annually; warden to take charge of library.	R. S. 1903, C. 141, Sec. 51.
MICHIGAN	Library subject to instruction of board.	R. S. 1897, Sec. 2135.
TEXAS	Chaplain to act as librarian.	R. S. 1911, Title 104, C. 2, Sec. 6203.
UTAH	As board directs.	R. S. 1907, C. 10, Sec. 2280.
VERMONT	Board of Library Commissioners to have care and supervision of suitable libraries in penal and charitable institutions; they may expend \$500 for this purpose in 1911, and \$200 a year thereafter.	Laws of 1910, No. 235.

WISCONSIN	Chaplain in charge of library.	R. S. 1898, C. 201, Sec. 4905.
(c) <i>Industrial Training provided:</i>		
GEORGIA	Reformatory prisoners to receive instruction in elementary branches and manual training.	R. S. 1911, Sec. 1243.
INDIANA	Instruction of an educational and technical nature as shall be to the best interest of the inmates. Trade schools at the Reformatory.	R. S. 1908, Sec. 9844. R. S. 1908, Sec. 9905.
IOWA	Reformatory prisoners to be employed in trades conducive to intellectual and moral development.	R. S. 1897, Sec. 2706.
KANSAS	Trades which will enable prisoners to earn a living on release.	R. S. 1909, Sec. 8595.
KENTUCKY	Convicts to be trained in common branches of English and in some trade, industry or handicraft; common schools and trade schools to be maintained for the purpose.	Laws of 1910, C. 15.
MINNESOTA	Trades for which prisoner seems best suited.	R. S. 1905, C. 105, Sec. 5458.
OHIO	Superintendent of reformatory authorized to expend not more than 5 per cent of gross earnings of inmates for equipment of industrial training schools which will fit for self-support upon release.	R. S. 1910, Div. 4, C. 1, Sec. 2137.

VII.

WHO CAN SET HIM FREE?

As the result of good conduct prisoners may be allowed limited freedom or parole through action taken by:

1. *The Governor.*

ALABAMA	Governor may, when he thinks best, authorize the discharge of any convict from custody and suspend the sentence of such convict without granting a pardon, and prescribe the terms upon which a convict so paroled shall have his sentence suspended. Upon the failure of any convict to observe the conditions of his parole, to be determined by the governor, the governor shall have authority to direct the re-arrest and return of such convict to custody and thereupon convict shall be required to carry out sentence of court as though no parole had been granted him.	Crim. Code, 1907, C. 265, Secs. 7515-16.
MISSOURI	The Governor shall have power to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment; upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. ¹	Const. 1875, Art. 5, Sec. 8.
OKLAHOMA	The Governor has power to grant paroles and reprieves.	Const. 1907, Art. 6, Sec. 10.

2. *The Parole Board.*

ARIZONA	The parole board is composed of the governor, warden of state prison, state auditor, attorney general, and the physician of the prison. The warden is president and a parole clerk is appointed by the governor. Any prisoner who has served his minimum sentence, and any prisoner serving a fixed term who has a clean record for the time served, is eligible for parole. Where a paroled prisoner has reverted or is about to revert to criminal habits, any member of the board may issue a	Laws 1912, C. 46.
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¹ Under this constitutional provision Governor Hadley has established a parole system, which has been extended to young and first offenders, and is entirely within the discretion of the Governor assisted by the Pardon Attorney.

	warrant for him. He may be finally discharged whenever the board decides he is worthy of discharge.	
CALIFORNIA	The parole board is appointed by the Governor and includes the wardens of the two state prisons. Governor can revoke parole. Prisoners who have a clear record for six months and against whom there are no charges pending and life termers after seven years are eligible for parole. Prisoners are finally discharged at expiration of maximum parole or may be discharged sooner by board.	Laws 1901, P. 82.
COLORADO	Parole board is composed of Governor and four members appointed by him. Prisoners are eligible for parole at the expiration of minimum sentence. They are finally discharged after service of maximum sentence, either in prison or on parole.	R. S. 1908, C. 35, Secs. 2039-42.
CONNECTICUT	The parole board consists of the board of directors, the superintendent and warden. Prisoners who have served a minimum term of at least twelve months are eligible for parole. They are finally discharged by expiration of maximum sentence or unanimous vote of all members of board at any stated meeting.	R. S. 1902, Title 7, Secs. 1535-41.
IDAHO	The parole board consists of the board of pardons and the warden. Prisoners are eligible for parole who have not previously been sentenced for a felony and who have served $\frac{1}{3}$ of full term, not reckoning good time. All persons to be graded and none paroled until they have served 6 months in highest grade. Life prisoners may not be paroled.	R. S. 1908, Part 2, Title 10, Sec. 8259.
INDIANA	Parole board consists of warden, three directors, chaplain and physician. Prisoners who have served minimum sentence are eligible for parole. They are finally discharged when board is satisfied they will live orderly if freed from parole restrictions.	R. S. 1908, Sec. 9870.
ILLINOIS	The parole board is the same as the board of pardons with the warden as an advisory member. Prisoners are eligible for parole when they have served at least 11 months unless old offenders, when 21 months must be served. When prisoner has served parole of 12 months board makes order for final discharge, which when approved by Governor is final.	R. S. 1909, C. 38, Sec. 501.
IOWA	Parole board consists of three citizens, not more than two of one political party and one a duly licensed attorney at law, appointed by Governor with	R. S. 1907, Title 26, C. 2, Sec. 5718, a 18, 19, 20.

	advice of Senate. Prisoners are eligible for parole when they have served 11 months, except when maximum is 2 years or less, then 6 months. They are finally discharged when they have served 12 months parole acceptably and if likely to be reliable and trustworthy in future.	
KANSAS	Parole board is composed of prison board with warden as member and secretary. Prisoners are eligible for parole when they have served minimum with 6 months of clear prison record except when committed for murder in the first or second degree, or serving third term.	R. S. 1909, C. 97, Sec. 6841.
KENTUCKY	Parole board consists of board of four penitentiary commissioners. Prisoners are eligible for parole who have served minimum sentence and life prisoners who have served 5 years. All must have good behavior record for 9 months.	Laws 1910, C. 16.
MASSACHUSETTS	Parole board consists of five prison commissioners appointed by Governor with consent of council. Prisoner must be paroled at expiration of minimum sentence if record has been perfect; otherwise, date is set by commissioners. Prisoners are finally discharged automatically at expiration of maximum.	1911, C. 451.
MICHIGAN	Parole board consists of Governor and advisory board of four. In some instances of Governor alone. Warden makes recommendation. Convicts are eligible for parole at expiration of minimum sentence, except third termers whose period of parole must not exceed four years. Final discharge comes at expiration of parole if there has been faithful observance of requirements. The period is fixed at time of parole.	Laws 1905, C. 184.
MINNESOTA	The board of parole consists of three members—the president of the board of control, the warden of the prison and a citizen appointed by the governor with consent of senate. All prisoners are eligible for parole at discretion of board, except life prisoners; life prisoners may be paroled after thirty-five years less commutation for good behavior. Prisoners are finally discharged by Governor upon recommendation by board.	Laws 1911, C. 298.
MONTANA	The state board of prison commissioners acts as board of parole, upon recommendation of Governor. First offenders for felony are eligible for parole after they have served one-half of term, not reckoning good time.	R. S. 1907, Part 2, Title 12, C. 13, Secs. 9573- 9575.

Convicts serving time sentence may be paroled after they have served twelve and one-half years where term was more than 25 years, and life prisoners having served 25 years, less commutation for good behavior. The governor, upon recommendation of board, finally discharges convicts who have fulfilled requirements.

NEBRASKA

The parole board consists of the state prison board appointed by the Governor—one member to be a practicing physician and one a practicing attorney. Prisoners are eligible for parole when they have served their minimum sentence. Six months faithful observance of parole requirements is reported by secretary of board which issues certificate which is sent to Governor. Upon recommendation of board Governor finally discharges prisoner.

Laws 1911, C.
184.

NEW HAMPSHIRE

Governor and council act as parole board. Prisoner is paroled automatically at end of minimum sentence if obedient to rules; otherwise governor and council determine. Prisoner is finally discharged by Governor at expiration of maximum sentence.

Laws 1909, C.
120.

NEW JERSEY

Board of inspectors of prison act as parole board with approval of governor. Prisoners whose minimum sentence is about to expire are eligible for parole. Final discharge comes after faithful observance of conditions of parole until maximum has expired. Prisoners on parole can earn commutation and thus have maximum expire sooner.

Laws 1911, C.
191.

NEW MEXICO

The board of parole is composed of the prison board and the superintendent of the penitentiary. The Governor must approve recommendations. All prisoners who have served minimum except those having served two previous terms in any penitentiary. Superintendent, after prisoner has served not less than six months of his parole acceptably, reports to board to recommend to trial judge who certifies to Governor, who finally discharges him.

Laws 1909, C. 32.

NEW YORK

Board of control consists of superintendent of prisons and two members appointed by the Governor with consent of Senate. Board to devise system of marking persons, a certain number of marks to be necessary before release on parole. Prisoners never before convicted and who have served minimum sentence eligible for parole. Final discharge when board deems it not incompatible with the welfare of society.

Laws 1909, C. 47,
Art. 8, Sec. 10.

NORTH DAKOTA

The parole board is a board of experts consisting of the warden, prison physician, a prison chaplain and one other person designated by the board of control. Prisoners are eligible for parole when they have served their minimum term; employment must be secured and employer recommended by judge of county court. Final discharge comes on expiration of maximum sentence. Warden gives discharge.

R. S. 1909, C.
173.

OHIO

Parole board composed of eight members—a president and two other lay members, a physician, a fiscal supervisor, a mechanical engineer, a secretary and a parole secretary. Prisoners are eligible for parole when they are recommended by the warden and chaplain, have served a minimum of not less than one year, if their conduct in prison has been of the first grade for six months prior to application and if they have never been convicted of felony before. In case of life prisoners they must have served twenty-five years. An agreement, from a reliable property owner certified from the auditor of the county that he is a property owner and that he will give prisoner employment on release, is necessary. Final discharge is given by board of administration and the warden to convict who has certificate showing faithful compliance with parole agreement.

R. S. 1910, Secs.
2141-44, 2167-
75.

PENNSYLVANIA

Board of parole consists of board of 5 prison inspectors from each penitentiary, who report to the board of pardons—consisting of lieutenant-governor, secretary of the commonwealth, attorney-general and secretary of internal affairs, three of whom must recommend to the governor for final action. Prisoners are eligible for parole when they have served a minimum sentence and are in good standing. Application can be filed any time within three months of the expiration of minimum term. Final discharge comes at expiration of maximum sentence or the board of inspectors may sooner recommend absolute pardon to the board of pardons which recommends to governor.

R. S. 1909, pp.
5329-31.

SOUTH DAKOTA

The parole board is composed of the board of charities and corrections and one parole officer. Prisoner may petition for parole after expiration of minimum sentence. Final discharge is by order of warden and board of charities at expiration of parole.

Laws 1911, C.
198.

TEXAS

Board of parole consists of three prison commissioners requiring the approval of the governor. Prisoners are eligible for parole when they have served twelve months with good conduct and have completed minimum sentence. Final discharge comes automatically at the expiration of time originally given in sentence but commission has power to grant absolute discharge in deserving cases before the expiration thereof.

Laws 1911, C. 43.

WISCONSIN

The state board of control acts as parole board. Prisoners in state prison are eligible for parole when they have served one half of sentence. Life termers can only be considered when they have served 30 years less commutation which is 16 years and 3 months. No convict previously convicted of felony is eligible. Final discharge comes automatically at the expiration of sentence, less commutation for good behavior.

Laws 1907, C. 110.

WYOMING

The pardon board acts as board of parole. The governor issues parole upon its recommendation. No parole can be granted to any prisoner who has returned from parole as a delinquent; who has served a previous term in any penitentiary, who has not served the minimum term fixed by law, or the minimum term fixed at time of sentence by the trial judge; who has violated any of the rules of the penitentiary within six months prior to his application, or who has committed an assault with a deadly weapon upon any officer, employee or other convict in the state penitentiary. Final discharge comes automatically at expiration of maximum sentence, or sooner if commutation for good behavior reduces maximum.

R. S. 1910, C. 42, Secs. 530-531.

Manumission from penal servitude is at the hand of the state executive, assisted in a number of states by the advice of a special board designated for that purpose though the council and senate participate in certain states while in still others the responsibility has been taken from the governor and invested in the legislature, or in Pardon Boards.

1. *The Pardoning Power exercised by the Governor (except in cases of treason and impeachment) in:*

ARIZONA

Const. 1910, Art. 5, Sec. 5.

ARKANSAS		Const. 1874, Art. 6, Sec. 18. R. S. 1904, C. 49, Secs. 2565-75.
CALIFORNIA	No pardon to convicts who have been twice convicted except upon written recommendation of a majority of judges of the supreme court.	Const. 1879, Art. 7.
COLORADO		Const. 1876, Art. 4, Sec. 7.
DELAWARE		Const. 1831, Art. 3, Sec. 9.
ILLINOIS		Const. 1870, Art. 5, Sec. 13.
IOWA		Const. 1857, Art. 4, Sec. 16.
KANSAS		Const. 1859, Art. 1, Sec. 7.
KENTUCKY	Governor must file statement of reasons for pardon which shall be open to public inspection.	Const. 1891, Sec. 77, R. S. 1909, Sec. 3836.
MARYLAND	Before granting pardon Governor must publish a notice in one or more newspapers of the application and the date on or after which the decision will be given.	Const. 1867, Art. 2, Sec. 20.
MICHIGAN		Const. 1850, Art. 5, Sec. 11.
MISSOURI		Const. 1875, Art. 5, Sec. 8.
NEW HAMPSHIRE	Except for offenses for which a person is convicted before the senate.	Const. 1902, Art. 51.
NEW MEXICO		Const. 1910, Art. 5, Sec. 6.
NEW YORK		Const. 1894, Art. 4, Sec. 5.
NORTH CAROLINA		Const. 1876, Art. 3, Sec. 6.
OHIO		Const. 1851, Art. 3, Sec. 11.
OREGON		Const. 1857, Art. 5, Sec. 14.
TENNESSEE		Const. 1870, Art. 3, Sec. 6.
TEXAS		Const. 1876, Art. 4, Sec. 11.
VIRGINIA	Except in cases where the prosecution has been carried on by the House of Delegates.	Const. 1902, Art. 5, Sec. 73.
VERMONT		Const. 1793, C. 2, Sec. 11.
WASHINGTON		Const. 1889, Art. 3, Secs. 9, 11.
WEST VIRGINIA	Except in cases where prosecution has been carried on by House of Delegates.	Const. 1872, Art. 7, Sec. 11.
WISCONSIN		Const. 1848, Art. 5, Sec. 6. R. S. 1898, Sec. 4861.
WYOMING		Const. 1889, Art. 4, Sec. 5.

2. *The Pardoning Power exercised by the Governor and Board of Pardons (except in cases of treason or impeachment) in:*

ALABAMA	Board consists of attorney-general, secretary of state and state auditor. Board hears all cases in open session and gives opinion thereon in writing.	Const. 1901, Sec. 124.
FLORIDA	Board consists of justices of supreme court and attorney-general.	Const. 1885, Art. 4, Sec. 12.
GEORGIA	Prison commission constitutes board and investigates every case deserving clemency.	Const. 1877, Art. 5, P. 12. R. S. 1911, Sec. 1222.
IDAHO	Board consists of governor, secretary of state and attorney-general. Open hearings on all cases and public notice in newspapers.	Const. 1889, Art. 4, Sec. 17. R. S. 1908, C. 13, Sec. 8251.
INDIANA	Board to be constituted by general assembly and to be composed of officers of the law.	Const. 1851, Art. 5, Sec. 143.
LOUISIANA	Board of control. Not more than one out of five life convicts to be pardoned in one year.	Acts of 1890, No. 112.
MINNESOTA	Board consists of attorney-general and chief justice of the supreme court.	Const. 1857, Art. 5, Sec. 4.
MONTANA	Board consists of secretary of state, attorney-general and state auditor. Publication at least twice before pardon is granted of reasons therefor.	R. S. 1907, Sec. 9556.
NEBRASKA	State prison board advisory board of Pardons.	Const. 1875, Art. 5, Sec. 13. R. S. 1911, Sec. 2743.
NEVADA	Governor, justices of supreme court and attorney-general constitute the board of pardons.	Const. 1864, Art. 5, Sec. 14. R. S. 1912, Sec. 7623.
NEW JERSEY	Governor, chancellor and the six judges of the court of appeals form board of pardons.	Const. 1844, Art. 5, Sec. 10.
NORTH DAKOTA	The attorney-general, chief justice of supreme court and two qualified electors. Pardons must be unanimous.	R. S. 1906, Secs. 10240-10243.
OKLAHOMA	State superintendent of public instruction, president of board of agriculture and state auditor. Board holds hearing and within 20 days files with secretary of state its decision in writing.	Laws of 1908, C. 62.
PENNSYLVANIA	Lieutenant-governor, secretary of the commonwealth, attorney-general and secretary of internal affairs. Board makes recommendations in writing after full hearing and due public notice.	Const. 1873, Art. 4, Sec. 9.
SOUTH CAROLINA	Board to be chosen by general assembly.	Const. 1895, Art. 4, Sec. 11.
SOUTH DAKOTA	Board consists of presiding judge, secretary of state and attorney-general. Pardons not permitted in cases of capital punishment, imprisonment for life or for a longer term than two years or a fine exceeding \$200.	Const. 1889, Art. 4, Sec. 5.

3. *The Pardoning Power exercised by the Governor and Board of Pardons (except in cases of treason and impeachment) in:*

UTAH	Governor, justices of the supreme court, and attorney-general. No pardon except after full public hearing of which public notice has been given.	Const. 1896, Art. 7, Sec. 12.
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4. *The Pardoning Power exercised by the Governor and council (except in cases of treason and impeachment) in:*

MAINE		Const. 1820, Art. 5, Sec. 11.
MASSACHUSETTS		Const. 1780, C. 2, Sec. 8.

5. *The Pardoning Power exercised by the Governor and Senate (except in cases of treason and impeachment) in:*

IOWA	In cases of murder of first degree.	R. S. 1897, C. 49, Sec. 5626.
MISSISSIPPI	No pardon until applicant shall have published for 30 days in a newspaper or elsewhere in county where crime was committed his petition and reasons for pardon.	Const. 1910, Art. 5, Sec. 124.

6. *The Pardoning Power exercised by the Legislature in:*

CONNECTICUT	Governor may only grant reprieves until end of next session of the legislature.	Const. 1882, Art. 4, Sec. 10.
RHODE ISLAND	Governor may only grant reprieves until end of next session of the legislature.	Const. 1842, Art. 7, Sec. 4.

VIII

SPECIFIC DISABILITIES CAUSED BY PRISON SENTENCE

A prison sentence usually involves certain specific disabilities, such as (1) Loss of citizenship, (2) Loss of power of procreation through vasectomy, (3) Loss of marital rights, (4) Loss of presumption of innocence in subsequent prosecutions for crime, (5) Loss of rights to ordinary burial of corpse.

1. *Loss of Citizenship.**

(A) How rights are lost:		(B) How rights may be regained:	
ALABAMA	Const. 1901, Sec. 182.	ALABAMA	Specifically expressed in pardon. Const. 1901, Sec. 124.
ARKANSAS	R. S. 1904, C. 57, Sec. 2768.	ARKANSAS	When pardoned. R. S. 1904, C. 57, Sec. 2768.
CALIFORNIA	Const. 1879, Art. 2, Sec. 1.	CALIFORNIA	A special executive act may restore a convict to citizenship but does not remove the infamy and disability. Const. 1849, Art. 7.
COLORADO	R. S. 1908, C. 43, Sec. 2148.	COLORADO	On presenting to the Governor a certificate from the warden that the entire time of sentence has been passed without violation of rules. R. S. 1908, C. 108, Sec. 4876.

* *Loss of citizenship does not take place:*

ARIZONA	For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, or while a student at any institution of learning, or while kept at any almshouse or other asylum at public expense, or while confined in any public jail or prison.	Const. 1910, Art. 7, Sec. 3.
MICHIGAN		Const. 1850, Art. 7, Sec. 5.
NEW HAMPSHIRE		R. S. 1901, C. 31, Sec. 9.
PENNSYLVANIA		Const. 1873, Art. 8, Sec. 13, Par. 148.
VERMONT		R. S. 1906, Title 3, C. 7, Sec. 73.

(A) How rights are lost :		(B) How rights may be regained :	
CONNECTICUT	Const. 1818, Art. 6, Sec. 3.		
DELAWARE	R. S. 1898-99, C. 36, Sec. 9.	DELAWARE	Laws of 1898, C. 247, Sec. 5.
DISTRICT OF COLUMBIA	R. S. 1911, Secs. 215 and 261.		
FLORIDA	R. S. 1906, P. 1, Title 4, Art. 1, Sec. 170.	FLORIDA	When par- doned. R. S., 1906, Div. 5, Title 2, C. 1, Sec. 4077.
GEORGIA	R. S. 1911, Sec. 1077.	GEORGIA	When par- doned. R. S. 1911, Sec. 1077.
IDAHO	R. S. 1908, P. 1, Title 15, Sec. 7239.	IDAHO	By governor. R. S. 1908, Part 2, Title 10, Sec. 8257.
ILLINOIS	R. S. 1909, Page 967, Sec. 70.	ILLINOIS	When par- doned or after expiration of term of disfran- chisement. R. S. 1909, Page 1676, Sec. 49.
INDIANA	General As- sembly has power to deprive any one con- victed of crime of right of suf- rage. Const. 1851, Sec. 89.		
IOWA	Const. 1857, Art. 2.	IOWA	By governor. R. S. 1897, Sec. 5706.
KANSAS	R. S. 1909, Sec. 2803.	KANSAS	Reformatory prisoners. R. S. 1909, Sec. 8636.
			First offenders. R. S. 1909, Sec. 2805.
KENTUCKY	R. S. 1908, C. 41, Sec. 1439.		

(A) How rights are lost :		(B) How rights may be regained :	
LOUISIANA	Const. 1898, Art. 202.	LOUISIANA	Only if pardoned with expressed restoration of franchise. Const. 1898, Art. 202.
MAINE	Const. 1819, Art. 2, Sec. 1.		
MARYLAND	Const. 1867, Art. 1, Sec. 2.		
MASSACHUSETTS	Const. 1779, Amdt. 3.		
MINNESOTA	Const. 1858, Art. 4, Sec. 15.		
MISSISSIPPI	R. S. 1906, C. 119, Sec. 4121.		
MISSOURI	Const. 1875, Art. 8.	MISSOURI	In cases of first conviction civil disabilities are removed at end of five years and convict restored to full rights. R. S. 1909, Art. 19 Sec. 1656.
MONTANA	Const. 1889, Art. 9, Sec. 2.	MONTANA	Governor has power to restore civil rights after due cause is shown. R. S. 1907, Sec. 9572.
NEBRASKA	Const. 1875, Art. 7, Sec. 2.	NEBRASKA	By governor. R. S. 1911, Part 2, C. 24, Sec. 2414.
NEVADA	Const. 1910, Art. 2, Sec. 1.	NEVADA	If so stated in the instrument of pardon. R. S. 1912, Sec. 7625.
NEW JERSEY	Const. 1897, Art. 2.	NEW JERSEY	If pardoned. R. S. 1910, Page 2100.
NEW MEXICO	R. S. 1897, Sec. 1672.	NEW MEXICO	Convict who passes entire period of his sentence without any violation of rules entitled to certificate from Board of Penitentiary Commissioners on presentation of which Governor may restore citizenship. Laws of 1899, C. 1, Sec. 2.

(A) How rights are lost :		(B) How rights may be regained :	
NEW YORK	R. S. 1909, Art. 46, Sec. 510.		
NORTH CAROLINA	R. S. 1908, C. 90, Sec. 4315.	NORTH CAROLINA	Petition may be filed with su- perior court any time four years after date of con- viction. Appli- cant must prove by five respecta- ble citizens that his reputation for truth and honesty has been good during in- tervening years.
			R. S. 1908, Secs. 2675, 2680.
NORTH DAKOTA	Const. 1889, Amdts, Art. 2. R. S. 1910, Sec. 12390.	NORTH DAKOTA	If pardoned.
OHIO			R. S. 1905, Sec. 10251.
		OHIO	Convict who serves his entire time without vio- lation of rules, on presentation to Governor of certificate of good conduct furnished by war- den.
			R. S. 1910, Title 4, C. 2, Sec. 2161.
OKLAHOMA	Const. 1907, Art. 3, Sec. 1.		
OREGON	Const. 1859, Art. 2.	OREGON	If pardoned.
			Const. 1859, Art. 2, Sec. 3. R. S. 1910, Sec. 2380.
RHODE ISLAND.	R. S. 1909, Title 37, C. 354, Sec. 62.	RHODE ISLAND.	Only by act of the general assembly.
			R. S. 1909, Title 37, C. 354, Sec. 62.
SOUTH CAROLINA	Const. 1895, Art. 2, Sec. 6.	SOUTH CAROLINA	If pardoned.
			Const. 1895, Art. 2, Sec. 6.
SOUTH DAKOTA	R. S. 1907, C. 142, Sec. 74.	SOUTH DAKOTA	Convict with clean record for good conduct.
			R. S. 1910, Sec. 686.
TENNESSEE	R. S. 1896, Title 6, C. 2, Sec. 1170.	TENNESSEE	If pardoned.
			R. S. 1896, Title 4, C. 18, Sec. 7235.

(A) How rights are lost :		(B) How rights may be regained :		
TEXAS	Const. 1876, Art. 6, Sec. 1.	TEXAS	If pardoned.	R. S. 1911, Title 36, C. 3, Sec. 2938.
UTAH	Const. 1896, Art. 4, Sec. 6.			
VIRGINIA	Const. 1902, Art. 2, Sec. 23.			
WASHINGTON	Const. 1889, Art. 6, Sec. 3.			
WEST VIRGINIA	Const. 1872, Art. 4, Sec. 1.			
WISCONSIN	Const. 1848, Art. 3, Sec. 2.	WISCONSIN	If pardoned.	Const. 1848, Art. 3, Sec. 2.
WYOMING	Const. 1889, Art. 6, Sec. 6.	WYOMING	If pardoned.	R. S. 1910, C. 395, Sec. 6030.

2. *Loss of power of procreation (Vasectomy authorized):*

CONNECTICUT	When convict is determined to be incapable of producing offspring mentally, morally and physically sound.	Laws of 1909, C. 209.
INDIANA	Skilled surgeons, in conjunction with chief physician, to examine the mental and physical condition of such inmates as are recommended by the institution physician and board of managers; and if this committee of experts deem procreation inadvisable and there is no probability of improvement in the mental condition it shall be lawful for the surgeons to perform the operation.	Laws of 1907, C. 215.
NEW JERSEY	Governor appoints one surgeon and one neurologist to act in conjunction with the commissioner of charities and corrections and to be known as "Board of Examiners of Feeble-minded." This board determines whether or not operation shall be performed on feeble-minded, epileptics, rapists, certain criminals and other defectives.	Acts of 1911, C. 190.

NEW YORK	Governor appoints one surgeon, one neurologist and one practitioner of medicine, each with at least 10 years' experience, to be known as the "Board of Examiners of Feeble-minded, criminal and other defectives." To examine into the mental and physical condition, and the record and family history of the feeble-minded, etc., and to prevent procreation if in their judgment defective children would be produced.	Laws of 1912. Art. 19.
WASHINGTON	When adjudged guilty of carnal abuse of female under 10 years or of rape.	Acts of 1909, C. 249.
<i>3. Loss of Marital Rights:</i>		
ALABAMA	Imprisonment for two years, the sentence being for seven years or longer, a ground for divorce.	R. S. 1907, C. 76, Sec. 3793.
ARIZONA	No suit sustained until one year after conviction. Husband must not be convicted on testimony of wife or wife on that of husband.	R. S. 1901, Title 45, C. 4, Sec. 3113.
ARKANSAS	Conviction of either party of felony or other infamous crime, a ground for divorce.	R. S. 1904, C. 54, Sec. 2672.
CALIFORNIA	Conviction for felony a ground for divorce.	Civil Code, 1909, C. 2, Art. 2, Sec. 92.
COLORADO	Conviction for felony a ground for divorce.	R. S. 1908, C. 41, Sec. 2112.
CONNECTICUT	Imprisonment for life. Imprisonment in the state prison for crime involving a violation of conjugal duty, a ground for divorce.	R. S. 1902, Title 43, C. 254, Sec. 4551.
DELAWARE	Conviction after marriage, whether crime was committed before or after marriage, a ground for divorce.	R. S. 1893, C. 75, Sec. 1.
GEORGIA	Imprisonment for two years or longer, a ground for divorce.	R. S. 1911, Title 3, C. 1, Art. 1, Sec. 2945.
IDAHO	Conviction of felony, a ground for divorce.	R. S. 1902, Title 2, C. 2, Art. 2, Sec. 2647.
ILLINOIS	Conviction for felony or other infamous crime, a ground for divorce.	R. S. 1909, C. 40, Sec. 1.
INDIANA	Conviction after marriage, a ground for divorce.	R. S. 1908, Art. 37, Sec. 1067.
IOWA	Conviction after marriage, a ground for divorce.	R. S. 1897, Title 16, C. 3, Sec. 3174.
KANSAS	Conviction after marriage, a ground for divorce.	R. S. 1909, C. 95, Sec. 6258.
KENTUCKY	Conviction for felony in or out of state, a ground for divorce.	R. S. 1909, C. 66, Art. 2, Sec. 2117.
LOUISIANA	Conviction for infamous crime, a ground for divorce.	R. S. 1904, Sec. 1193.
MAINE	Life imprisonment dissolves bonds of marriage without action.	R. S. 1903, C. 62, Sec. 1.

MASSACHUSETTS	Imprisonment for life or five years or longer is ground for divorce. Pardon does not restore conjugal rights.	R. S. 1902, C. 152, Sec. 2.
MICHIGAN	Imprisonment for life dissolves marriage or is ground for divorce. Pardon does not restore conjugal rights.	R. S. 1897, C. 232, Sec. 8620.
MINNESOTA	Conviction after marriage is ground for divorce. Pardon does not restore conjugal rights.	R. S. 1905, C. 71, Sec. 3574.
MISSISSIPPI	Sentence to penitentiary without pardon before being confined is ground for divorce.	R. S. 1906, C. 37, Sec. 1669.
MISSOURI	Conviction after marriage, or before marriage and ignorance of other party, is ground for divorce.	R. S. 1909, C. 22, Art. 3, Sec. 2370.
MONTANA	Conviction for felony is ground for divorce.	R. S. 1907, Sec. 3643.
NEBRASKA	Imprisonment for three years or more is ground for divorce. Pardon does not restore conjugal rights.	R. S. 1911, Criminal Code, P. 1, C. 14, Sec. 5328.
NEVADA	Conviction for felony or infamous crime is ground for divorce.	R. S. 1912, Sec. 5838.
NEW HAMPSHIRE	Conviction for crime punishable in the state by imprisonment for one year or more; actual imprisonment under these conditions is ground for divorce.	R. S. 1901, C. 175, Sec. 5.
NEW JERSEY	Imprisonment after abandonment to be regarded as continued desertion and ground for divorce.	R. S. 1910, Page 2041, Sec. 31.
NEW YORK	Imprisonment for life a ground for divorce.	R. S. 1909, C. 19, Art. 2, Sec. 6.
NORTH DAKOTA	Conviction for felony a ground for divorce.	R. S. 1905, Civil Code, C. 5, Sec. 4049.
OHIO	Petition for divorce must be filed during the imprisonment of the adverse party.	R. S. 1910, Div. 7, C. 3, Sec. 11979.
OKLAHOMA	Imprisonment subsequent to marriage a ground for divorce.	R. S. 1903, C. 66, Art. 28, Sec. 4832.
OREGON	Conviction for felony a ground for divorce.	R. S. 1910, Title 6, C. 8, Sec. 507.
PENNSYLVANIA	Provided application be made for divorce by the husband or wife of party convicted, conviction for felony is ground for divorce.	R. S. 1903, Page 1235, Sec. 7, Par. 2.
RHODE ISLAND	In case either party is for crime deemed to be, or treated as if, civilly dead, it is a ground for divorce.	R. S. 1909, C. 247, Sec. 1.
SOUTH DAKOTA	Conviction for felony is a ground for divorce.	R. S. 1910, P. 3, Title 1, C. 1, Art. 2, Sec. 67.
TENNESSEE	Conviction for felony and sentence to confinement in the penitentiary is a ground for divorce.	R. S. 1896, Title 4, C. 1, Art. 2, Sec. 4201.
TEXAS	Conviction after marriage is ground for divorce; no suit to be sustained until 12 months after final judgment and provided the governor has not par-	R. S. 1911, Title 68, C. 4, Sec. 4631.

doned the convict; or the wife been convicted on the testimony of the husband or the husband on that of the wife.

UTAH	Conviction for felony is ground for divorce.	R. S. 1907, Title 35, C. 3, Sec. 1208.
VERMONT	Imprisonment for life or for three years or more and actual confinement at the time is ground for divorce.	R. S. 1906, Title 17, C. 148, Sec. 3068.
VIRGINIA	Conviction for felony is ground for divorce. Pardon does not restore conjugal rights.	R. S. 1904, Title 28, C. 101, Sec. 2257.
WASHINGTON	If complaint be filed during term of imprisonment, conviction for felony is ground for divorce.	R. S. 1910, Title 6, C. 12, Sec. 982.
WEST VIRGINIA	Conviction for felony is ground for divorce. Pardon does not restore conjugal rights.	R. S. 1906, C. 64, Sec. 2921.
WISCONSIN	Imprisonment for three years or more is ground for divorce. Pardon granted after divorce does not restore conjugal rights.	R. S. 1898, C. 109, Sec. 2356.
	Imprisonment for life dissolves marriage without judgment of divorce. Pardon does not restore conjugal rights.	R. S. 1898, Sec. 2355.
WYOMING	Conviction for felony is ground for divorce. Pardon does not restore conjugal rights.	R. S. 1910, C. 266, Sec. 3924.

3. *The assumption of innocence is destroyed by means of a criminal record:*

ALABAMA	Superintendent to keep records of convicts, including name, age, place of nativity, county wherein convicted, nature of crime and period of imprisonment, together with height, complexion and color of hair and eyes, etc.	R. S. 1907, C. 191, Sec. 6517.
ARIZONA	The secretary of the board of control to keep records of all convicts, including name, nature of crime, county and court wherein sentenced, nativity, degree of education, with an accurate description of person and whether previously confined or not.	R. S. 1901, Title 56, Sec. 3575.
ARKANSAS	Superintendent to keep records of all convicts, including names (aliases as well), crime, age, color, height, complexion, color of hair and eyes, marks on person, nativity and number of previous convictions.	R. S. 1904, C. 123, Sec. 5872.
CALIFORNIA	Warden to keep records of all convicts, including name, crime, period of sentence, nativity, degree of education, an accurate description of person, and whether previously confined or not.	R. S. 1909, Penal Code, Title 1, Sec. 1578.
COLORADO	Board to keep records of all convicts, including age, term of imprisonment, offense, place of conviction, and pursuits and habits of life.	R. S. 1908, C. 108, Sec. 4839.

FLORIDA	Superintendent and physician to keep records of convicts, including name, height, age, place of nativity, color, color of hair and eyes, crime for which convicted and length of sentence.	R. S. 1906, Art. 6, Title 4, Sec. 4137.
GEORGIA	Prison commissioners to keep records of name, crime, sentence, age, sex, height, weight and apparent physical condition of each convict.	R. S. 1911, Sec. 1219.
ILLINOIS	Warden to keep records of all convicts, including counties wherein convicted, crime, nature and duration of sentence, former trade, employment or occupation, habits, color, age, place of nativity, degree of education and description of person.	R. S. 1909, C. 108, Sec. 18.
IOWA	Board of control to keep records of all convicts.	R. S. 1907, Title 26, C. 2, Sec. 5718 a 12.
KANSAS	Warden to keep records as to name, age, nativity, nationality and such other facts as can be obtained as to parentage, education, occupation, and early social influences; also weight, stature and health record.	R. S. 1909, C. 97, Sec. 6840.
KENTUCKY	Prison clerk to keep records of convicts, including name, crime, period of sentence, nativity, an accurate description of person and record of former sentences.	R. S. 1909, C. 97, Sec. 3801.
LOUISIANA	Clerk of the penitentiary to keep register of names of convicts, crime, height, age, sex, color of hair and eyes, and date of discharge. Records to be open to public inspection.	R. S. 1904, Sec. 2854.
MAINE	Prisoners who have been convicted of a felony, if it be deemed advisable for the purpose of subsequent identification, may be measured and described in accordance with the Bertillon method and their photographs and finger-prints taken.	Laws 1911, C. 5.
MARYLAND	Record of every convict to be kept, including description of person and criminal history and photographs.	R. S. 1904, Art. 27, Sec. 584.
MASSACHUSETTS	Convicts convicted of felony shall be measured and described with the Bertillon methods for the identification of criminals.	R. S. 1902, C. 225, Sec. 18.
MICHIGAN	Warden to cause record of all prisoners to be kept, including a description and measurement by the Bertillon system, or such other system as may be deemed desirable for the identification of criminals; also criminal history and photograph to be kept. Records not to be available to the public.	R. S. 1897, Sec. 2147.
MISSISSIPPI	Clerk to keep register of all convicts, including name (aliases), sex, race, nationality, place of birth, age, color of hair, complexion, height, weight, dis-	R. S. 1906, C. 107, Sec. 3628.

	tinguishing marks, if any, crime, term of sentence and whether or not a dangerous criminal.	
MISSOURI	Convicts to be examined in the presence of as many overseers as possible in order that they may become acquainted with person and countenance. Records to be kept of name, height, apparent or alleged age, place of nativity, trade, complexion, color of hair and eyes and length of foot, together with any natural or accidental marks which may serve to identify a convict. If a convict can write, his signature shall be written under the description of his person.	R. S. 1909, C. 19, Art. 19, Sec. 1631.
MONTANA	Warden to keep record of name, age, sex, occupation, place of birth, crime and date of incarceration and expiration of sentence of all convicts.	R. S. 1907, Part 3, Title 1, Sec. 9722.
NEBRASKA	Warden to keep records of all convicts, including name, age, nativity, nationality, with such other facts as can be ascertained of parentage, education, occupation, and early social influences. Physician to keep records of name, height, stature, family history, together with health record.	Laws of 1911, C. 184.
NEVADA	Warden shall keep records of name, age, sex, occupation, place of birth, crime, date of incarceration and expiration of sentence.	R. S. 1912, Sec. 7565.
NEW HAMPSHIRE	Prisoners may, if it be deemed advisable, be measured and described in accordance with the Bertillon method for the identification of criminals, and may have their photographs and fingerprints taken.	Laws 1907, C. 24.
NEW JERSEY	Prisoners to be examined by principal keeper, clerk and as many deputy-keepers as can conveniently attend in order that they may become acquainted with countenance. Record to be kept of name, height, apparent or alleged age, place of nativity, trade, complexion, color of hair and eyes, length of feet, together with such natural and other marks and peculiarities of feature as will serve to identify him. If convict can write he shall sign his name under such description.	R. S. 1910, Page 4912, Art. 7.
NEW YORK	Superintendent of state prisons to cause all prisoners to be measured by the Bertillon system for identification of criminals.	Prison Laws, 1909, Sec. 21.
NORTH DAKOTA	Warden to keep records of all convicts, including name, age, sex, color, height, nationality and each and every other fact, characteristic and condition, natural or artificial, that may in any way tend to aid in identification of prisoner.	R. S. 1905, C. 17, Sec. 10354.

OHIO	Physician to keep record of convicts, including nationality or race, weight, stature, former occupation and family history, together with health record.	R. S. 1910, Div. 3, C. 2, Sec. 2194.
OREGON	Superintendent to establish a rogues' gallery, in which shall be placed the pictures of all persons confined in the penitentiary.	R. S. 1910, Title 33, C. 14, Sec. 4522.
PENNSYLVANIA	Warden shall keep records of all convicts, including name, height, apparent or alleged age, place of nativity, trade, complexion, color of hair and eyes, length of feet, and accurate measurements, together with natural or accidental marks which may serve to identify. If convict can write his signature shall be written under description.	R. S. 1907, Page 3494, Sec. 43.
RHODE ISLAND	Prisoners may in discretion of board be measured and described in accordance with Bertillon system. Board to see record of measurements, etc., is kept and to keep duplicate record in its own office.	R. S. 1909, Title 38, C. 360, Sec. 18.
TENNESSEE	Warden to keep records of all convicts, including name, nativity, nationality, all facts that can be obtained about parentage and early social influences which may tend to indicate constitutional and acquired criminal defects and tendencies of prisoner.	R. S. 1903, Sec. 7517.
UTAH	Board to have records of all convicts kept, including parentage and early social influences, and to base on these an estimate of character and probable plan of treatment.	R. S. 1907, Title 72, C. 10, Sec. 2245.
VIRGINIA	Clerk to keep a register describing all prisoners.	R. S. 1904, Title 55, C. 202, Sec. 4114.
WASHINGTON	Names of prisoners and crimes to be recorded. State auditor to keep a public record of all convictions.	R. S. 1910, Title 78, C. 2, Secs. 8542-4.
WEST VIRGINIA	Clerk to keep record describing all prisoners.	R. S. 1906, C. 4657.
WISCONSIN	Clerk shall keep record of all convicts received, discharged, pardoned or dead and such other matters as may be necessary in statistics of this kind.	R. S. 1898, C. 201, Sec. 4902.
WYOMING	State board of charities and reform to keep records of all prisoners, including name, date of sentence, age, sex, color, religion and nativity, nature of crime and ability to read or write.	R. S. 1910, C. 41, Sec. 520.

4. *Use of dead body for scientific purposes:*¹

ARKANSAS	The body of a convict who has suffered the death penalty may be buried in the penitentiary burial ground, or on application of any respectable surgeons,	R. S. 1908, C. 35, Sec. 2668.
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¹ This is not permitted in Wyoming.

it may be delivered to them for dissection, unless claimed by some relative or friend desiring to give it Christian burial.

CALIFORNIA

Any sheriff or keeper of a county jail or state prison must surrender the dead bodies of such persons as are required to be buried at public expense, to any physician or surgeon, to be used by him for the advancement of science. If such person during his last illness request to be buried, or if within 24 hours some person claiming to be of kindred require the body to be buried, such body shall be buried.

Political Code,
1909, Title 7,
C. 4, Sec. 3094.

COLORADO

The officers having control of any almshouse, prison, etc., may surrender the dead bodies of such persons as must be buried at public expense to any licensed physician of the state to be by him used for the advancement of science. If the deceased during his last illness requested to be buried, or if within 24 hours after his or her death any relative or friend require body for burial, body shall be buried. After having been used for scientific purposes body must be buried.

R. S. 1908, C.
127, Secs. 6072-
75.

The body of any convict who has been executed shall be buried in the ordinary manner at expense of state, unless claimed by relative or friend, desiring to give it Christian burial.

R. S. 1908, C. 35,
Sec. 2036.

CONNECTICUT

The bodies of convicts who die in the state prison shall, if unclaimed for a period of 24 hours, be at the disposal of the professors of anatomy and surgery in the medical institution of Yale University, to be used for the purpose of advancing medical science in this state and shall be subject to their order.

R. S. 1902, Title
36, C. 243, Sec.
4432.

ILLINOIS

Superintendent of penitentiary in whose custody is the body of any deceased person required to be buried at public expense shall give permission to remove body to any physician or surgeon or to any medical college or school upon offer to remove free of charge, after notice has been given to relatives who may wish to bury body, and provided further that any medical college that shall receive the bodies of deceased persons for purposes of scientific study, shall furnish the same to students of medicine and surgery at a price not exceeding \$5.00 for each and every deceased body so furnished.

R. S. 1909, C. 91,
Sec. 1.

INDIANA

It shall be the duty of any officer in charge of a prison, etc., having in charge the dead bodies of any person

R. S. 1908, C. 55,
Sec. 6131.

not claimed by relatives or legal representatives, and which may be required to be buried at public expense, unless the person has died of a contagious disease, to deliver body to anatomical board, unless body shall be claimed within 24 hours after death.

IOWA

Superintendent of any penitentiary may, with consent of relatives or friends, if any are known and without such consent if not known, deliver to any medical college or school, or any physician in the state for purposes of scientific study, the remains of any deceased person in his charge, unless such deceased person during his last illness expressed a desire that his body be buried. If such a body so delivered over is subsequently claimed by any friend or relative, the same shall be at once delivered to such party. The person receiving the body shall decently bury the remains after they have been used for scientific purposes, and failure to do so shall be a misdemeanor.

R. S. 1907, Title
24, C. 9, Sec.
4946.

KANSAS

It shall be lawful for the faculty of any regularly-organized medical college in the state authorized to confer the degree of doctor of medicine, to claim and receive the dead body of any criminal which would otherwise be buried in the potter's field; such body to be used within the state for the advancement of medical science and instruction of students. The president and secretary of the college must give bond that body is only required for scientific purposes within the State of Kansas. The remains after serving such purpose must receive decent burial.

R. S. 1909, C. 75,
Secs. 4878-9-80.

KENTUCKY

It shall be lawful for the professor of any medical college or school which is incorporated under the laws of the state to secure from the superintendent or warden, any unclaimed body, after relatives and friends have been notified, and three days have elapsed without action on their part. The professor is to have body embalmed and preserve the same for 30 days without dissecting it. During the 30 days body shall be delivered to friends on request. After such body has been examined as herein provided it shall be buried at expense of college.

R. S. 1909, Sec.
2645.

MAINE

Officers of any prison having charge over dead bodies required to be buried at public expense, shall deliver same to board composed of professors of anatomy and surgery in medical schools of state, who shall remove such bodies

R. S. 1903, C. 17,
Secs. 3-6.

	to be used within the state for the advancement of medical education. If family or friends claim body it shall be decently buried when no longer needed for scientific purposes.	
MARYLAND	The bodies of deceased convicts may be claimed by their friends or devoted to scientific examination at the medical schools or buried in the potter's field.	R. S. 1904, Art. 27, Sec. 623.
MICHIGAN	Officer in charge of any prison having in charge the dead body of any convict, not claimed and which must be buried at public expense, shall deliver such body within 36 hours after death to the demonstrator of anatomy of a college of medicine. After bodies have been used for scientific purposes they shall be decently buried.	R. S. 1897, Sec. 5897.
MISSOURI	Officer in charge of any prison shall give over the bodies of any convicts which are unclaimed by relatives and would otherwise have to be buried at public expense, to the state board for the disposition of human bodies, which is composed of the professors of anatomy of all incorporated schools.	R. S. 1909, C. 78, Art. 3, Secs. 8324-30.
NEBRASKA	Warden of state prisons, etc., to deliver the bodies of convicts, with consent of relatives, if they are known and without if not known, to medical colleges for purposes of scientific study.	R. S. 1911, Sec. 9899.
NEW HAMPSHIRE	It shall be the duty of the keeper of any state prison or jail, to notify physicians or surgeons who have previously made request in writing, whenever the body of any person would have to be buried at public expense. The person receiving such a body must give bond that it will only be used in the pursuit of science, and after the use allowed by law will be decently buried. If body is claimed by relatives or friends within 36 hours after death it shall be given them.	R. S. 1901, C. 136, Secs. 1-4.
NEW JERSEY	Officers of prison, etc., shall deliver to duly incorporated pathological association bodies of dead convicts which require to be buried at public expense, unless claimed by relatives.	R. S. 1910, Page 3325, Sec. 12.
NORTH CAROLINA	Bodies of all persons imprisoned at hard labor for violation of criminal laws of state, shall be delivered to the professors of anatomy of the medical schools of the state, provided bodies are not claimed by relatives and that convict was serving a sentence for felony.	R. S. 1908, C. 89, Sec. 4288.
NORTH DAKOTA	Superintendent shall give over to any duly licensed physician the bodies of convicts, after notice has been given to relatives, and 36 hours allowed for them	R. S. 1905, C. 24, Secs. 2079-81.

to remove bodies in. All bodies so used are to be decently buried or cremated.

OHIO

Warden of penitentiary in whose charge are unclaimed bodies which must otherwise be buried at public expense shall hold such bodies not less than 36 hours and notify a professor of a college which by its charter is empowered to teach anatomy. After bodies have been subjected to examination they shall be decently buried.

R. S. 1910, Secs. 9984-6.

OREGON

It shall be lawful for professors and teachers in medical colleges and schools in this state, or for any medical and surgical association, or regular physician or surgeon, to claim and receive the body of any person executed pursuant to sentence of law, and of all persons dying in the penitentiary while under sentence of law for crime, to be used for the purpose of medical and surgical study, provided said body shall not have been interred or claimed by relatives within 24 hours after death, and that person has not expressed a distinct wish for burial. Bodies must be decently buried after having been used for scientific purposes.

R. S. 1910, C. 6, Secs. 4747-9.

PENNSYLVANIA

Officer of any prison, etc., in charge of dead body of a convict which must otherwise be buried at public expense, is requested to notify state board of anatomy and permit it to use body for scientific purposes.

R. S. 1903, Page 320, Secs. 1-7.

SOUTH CAROLINA

Officers of any prison, jail, etc., having control of a human body which is required to be buried at public expense, and that of any person upon whom the sentence of death has been executed under the law, shall notify the board for distribution of human bodies for scientific purposes. No notice shall be given of bodies claimed by relatives. After bodies have been used for scientific purposes they shall be decently buried.

Civil Code, 1912, C. 19, Art. 18, Secs. 929-34.

SOUTH DAKOTA

Persons in charge of unclaimed dead body of a convict to give notice to department of medicine of the state university, within 24 hours after receipt of body, specifying in such notice the probable cause of death. Such bodies shall be embalmed and held at university for 60 days during which time any friend of deceased requesting body for burial shall receive it. Bodies must be decently buried after having been used for scientific purposes.

Code of Criminal Procedure, 1910, Sec. 682.

TENNESSEE

The bodies of dead criminals are delivered to physicians pursuant to the law.

R. S. 1896, Part 4, C. 8, Art. 3, Sec. 6775.

- TEXAS** Officers in charge of prisons, jails, etc., to deliver to anatomical board of Texas dead human bodies required to be buried at public expense, unless claimed by relatives or friends or if deceased died of contagious disease, except tuberculosis or syphilis. Effort must be made to find relatives who must claim body within 24 hours. In case a body is claimed by relatives within 10 days after being delivered to an institution it shall be delivered to them for burial without cost. R. S. 1911, Title 90, C. 3, Secs. 5756-63.
- UTAH** It shall be the duty of any person into whose charge may come the unclaimed dead body of a convict, which would otherwise have to be buried at public expense, to give notice to the dean of the university within 24 hours after the receipt of the body, specifying probable cause of death. All bodies received at the university shall be promptly embalmed, and shall be preserved for not less than 60 days during which time any relative or friend of deceased making request for body for burial shall receive it. After the 60 days bodies may be used for scientific purposes and must then be decently buried or cremated. R. S. 1907, Title 74, C. 11, Secs. 2320-4.
- VERMONT** Superintendents of public institutions shall deliver over to a practicing physician who has applied in writing, bodies which must otherwise be buried at public expense. No such body shall be so delivered if deceased during his last sickness make request for burial, nor if relative, within 48 hours, require body to be buried. R. S. 1906, Title 31, Sec. 5374.
- VIRGINIA** Officers of prisons, jails, etc., shall deliver to the board for distribution of dead human bodies, bodies of convicts who must otherwise be buried at public expense, also bodies of convicts who have suffered the death sentence, unless such bodies are claimed by relatives for burial. After having been used for scientific purposes bodies must be decently buried. R. S. 1904, Title 24, Secs. 1776-81.
- WASHINGTON** Officer in charge of state prison, jail, etc., must surrender the bodies of such persons as would have to be buried at public expense to any physician or surgeon, to be used by him for the advancement of science. If deceased, during his last sickness, requests to be buried, or if, within 48 hours after death relatives or friends request body for burial, body must be buried without dissection. R. S. 1910, C. 67, Secs. 8409-11.

WEST VIRGINIA

Officers in charge of prisons, jails, etc., having in their charge bodies of convicts who must otherwise be buried at public expense, shall surrender them, on requisition, to the anatomical board of West Virginia, unless friends or relatives claim body for burial, or make affidavit that they are unable to bear expense of funeral and desire body to be buried at public expense.

R. S. 1906, C. 45,
Secs. 1725-30.

WISCONSIN

Public officials having charge of body of deceased prisoner, which must otherwise be buried at public expense, shall promptly notify relatives or friends of deceased. If body be not claimed within 48 hours after death, it shall be placed at disposal of demonstrator of anatomy for scientific purposes, unless in his last sickness convict requested to be buried. Bodies used for scientific purposes must afterwards be decently buried.

R. S. 1898, C. 58,
Secs. 1437-8.